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LAWS OF BARBADOS

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FOR

SESSION 1891-'92.

(PART 2.)



BARBADOS:

T. E. KING & CO., PRINTERS TO THE LEGISLATURE.

1892.

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BARBADOS.

An Act to consolidate and amend the Acts of this island relating to master and servant.

BE it enacted by the Governor, Council, and Assembly of this island, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as "The master and servant Act, 1891."

General Provisions.

2. No contract of service for the performance of any work as a husbandry or other servant engaged in the cultivation or care of land, of the protection of buildings, or in the manufacture of any of the staple commodities of this island, or as a domestic servant shall be of any force or effect within this island, unless the same shall be made within the limits of the said island ; nor shall any such contract of service be in force within this island for more than one calendar month from the date thereof, unless the same shall be reduced into writing with all the formalities hereinafter mentioned: provided always, nevertheless, that where any such contract shall be entered into for one month, and at the expiration thereof, any such servant as last aforesaid, shall, with the consent of his employer, either expressed or implied continue in such service either after the first month, or after any subsequent month, every such continuance shall be deemed and taken

Certain contracts, when binding, and how long.

Formalities of contract.

in any such case to be a renewal of the contract of service for one month.

3. No written contract for the performance of any such service as aforesaid, shall be in force within this island, unless it shall be signed with the name, or in case of illiterate persons, with the mark of each of the contracting parties, in the presence of a police magistrate or justice of the peace, nor unless such police magistrate or justice of the peace shall subscribe the written contract in attestation of the fact that it was entered into by the parties voluntarily and with a clear understanding of its meaning and effect and no such written contract for service shall be valid for more than one year from its date, and shall expire at the close of the stipulated time of service, without any notice on either side for that purpose : and every such written contract shall specify, as accurately as may be, the general nature of the employment in which such servant is to be engaged, and where the contract is for work to be performed not by the piece, but by the time it shall specify the number of hours of daily labour and the hours of the day at which such labour is to commence and be suspended, and to recommence and terminate, and the number of days in the week that such service is to be performed ; and in cases in which the remuneration, or any part of it is to be made, not in money but in kind, the contract must specify with all practicable precision, the nature and amount and quality of the articles to be supplied to the servant, and the time when and the places at which such articles are to be delivered, and all contracts of service to extend beyond one

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calendar month at a time shall be drawn up as nearly as possible in the following terms:—

“ Be it remembered that on this
“ day of in the year of our Lord
“ 18 A. B. and C. D. appeared
“ before me E. F. a police magistrate
“ (or justice of the peace) of the island of
“ Barbados, and in my presence signed their
“ names or marks (as the case may be)
“ to the following contract of service. The
“ said A. B., agrees to hire the services of
“ the said C. D. and the said C. D.
“ agrees to render the said A. B. his
“ services in the capacity of a for
“ calendar months, commencing on the
“ day of instant and
“ terminating on the day of
“ in the year . And it is further
“ agreed between the said parties that the
“ said C. D. shall be employed (in field
“ labour, or as the case may be), and that
“ the hours of labour of the said C. D.
“ shall not be more than daily, com-
“ mencing at the hour of and
“ terminating at the hour of with
“ (one hour as the case may be) for break-
“ fast at of the clock, and (one
“ hour as the case may be) for dinner at
“ of the clock daily. And it is
“ further agreed that the said A. B. shall
“ pay to the said C. D. as such servant as
“ aforesaid wages at and after the rate
“ of by the day, week, month, or year
“ (as the case may be) and that such wages
“ shall be paid on the day of
“ of each (week or month) as the case may
“ be) and it is further agreed that the
“ services of the said C. D. shall be

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“partly or wholly (as the case may be)
“remunerated by the delivery of the various
“articles and allowances specified in the
“list hereunto subjoined which shall be
“of such amounts and qualities as are
“specified in the said list, so far as such
“specification is possible. Here add any
“special engagement compatible with the
“law and not adverted to in this form.)

signed { A. B.
 C. D.

“The preceding agreement was signed by
“the above-named parties in my presence,
“on the day and year, above written volun-
“tarily, the same being, as far as I am
“able to judge, fully understood by them
“respectively.

Signed E. F.
Police Magistrate,
or Justice of the Peace.

Penalty for neglect
of duty by servant.

4. (1.) On complaint preferred, and proof made before any police magistrate of the district where any service has been agreed to be performed, that any servant has neglected to perform his stipulated work, or that he has performed it negligently or improperly, or that by negligence or improper conduct he has injured the property of his or her master, entrusted to his care, such police magistrate may in his discretion adjudge such servant to any one or more of the following penalties, that is to say, to the payment of any sum of money for the benefit of the master not exceeding one month's wages or, in the cases mentioned in sub-section two to the commitment of the servant to prison with or without hard labour

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for any term not exceeding fourteen days or in any case to the dissolution of the contract of service.

(2.) The penalty of imprisonment, with or without hard labour, provided under the preceding subsection shall not be imposed on any agricultural labourer but such penalty of imprisonment with or without hard labour shall apply to any domestic servant employed from month to month for wilfully injuring by negligence or improper conduct the property of his master entrusted to his care, or for insolence, misbehaviour, or subordination in such his employment. Imprisonment not to apply to agricultural labourer.

5. (1.) On complaint preferred and proof made by any servant before any police magistrate that his master or employer has not paid his wages or delivered to him the articles stipulated for or that the articles so delivered were not of the prescribed quality or quantity, or that by the negligence or other improper conduct of the master, or employer, or his manager or agent, the contract of service has not been faithfully performed, or that such master or his manager or agent has injured the person or property, of such servant, such police magistrate may make an order for the payment of the wages in arrear, or for the delivery of the stipulated articles, or for both to an amount not exceeding the sum of ten pounds with damages not exceeding a month's wages, for any injury that such servant may have sustained by the non-fulfilment of such contract on the part of the master or employer of such servant; and in case such servant shall have been Penalty on employer for breach of duty.

injured in his person or property by any master, employer or agent, such police magistrate may in his discretion adjudge such master, employer manager or agent to the payment of any sum of money for the benefit of such servant, not exceeding the sum of five pounds, and the said police magistrate may also in his discretion discharge such servant from his contract of service; provided always, that nothing herein contained shall prevent or be construed to prevent any proceedings in any of the courts of justice in this island, for any injury to the person or property of any such master committed by any servant, or any injury done or committed by any master, employer manager or agent to the person or property of any servant, if the police magistrate before whom any complaint shall be made shall decline to entertain the same, and shall see fit to refer the same to the ordinary course of law.

Construction of contract by arbitrators.

(2.) If any question shall arise between any master or employer, and any servant, respecting the meaning of their contract, or the rights of either party under the same, or the obligation imposed on either party thereby, it shall be lawful for the police magistrate of the parish on the application of either party to arbitrate between them, and make such award as appears to him to be just and equitable, and agreeable to the true and equitable construction of any such contract.

Enticing away &c, servants, how punishable.

6. If any person shall entice away, hire or knowingly employ any servant who shall be engaged in any such contract of service as aforesaid, or if any such person shall after

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notice given to him of the relation in which any such servant stands to such other person employ any servant every such person so offending shall, on conviction before any police magistrate of the district, either where such contract of service had been entered into, or where any offence shall have been committed, be liable to a penalty for every offence of a sum not exceeding ten pounds, for the use of the party aggrieved.

7. In the administration of the estates of deceased persons, the wages due to any domestic servants or agricultural labourers from such deceased persons shall be paid out of the personal estate of such deceased persons, prior and preferable to all judgments, specialties, or other debts whatsoever due from such deceased persons, not exceeding however the sum of five pounds to any one domestic servant or agricultural labourer.

Wages of domestic servants, and agricultural labourers, to have priority against personal estate of the deceased to the extent of 5*l*.

8. If any person shall falsely personate any master, or the executor, administrator, wife, relation, housekeeper, steward, agent servant of any such master, or shall either personally or in writing give any false forged or counterfeited character to any person offering himself to be hired as a servant into the service of any person, then and in such case, every such person so offending shall be liable to a penalty not exceeding twenty pounds.

Falsely personating a master, &c, or giving a forged or counterfeited character.

9. If any person shall knowingly and wilfully pretend, or falsely assert in writing, that any servant has been hired or retained for any period of time whatsoever, or in any station or capacity whatsoever, other than that for which or in

Giving a false certificate as to service.

which he shall have hired or retained such servant in his service or employment, or for the service of any other person, then and in either of the said cases, such person so offending as aforesaid, shall be liable to a penalty not exceeding twenty pounds.

Giving false statement as to a servant's discharge or as to his previous employment.

10. If any person shall knowingly and wilfully pretend, or falsely assert in writing that any servant was discharged, or left his service at any other time than that at which he was discharged, or actually left such service, or that any such servant had not been hired or employed in any previous service, contrary to truth, then and in either of the said cases, such person shall be liable to a penalty not exceeding twenty pounds.

Offering himself as a servant under false pretences or with a false character.

11. If any person shall offer himself as a servant, asserting or pretending that he has served in any service in which such servant shall not actually have served or with a false, forged, or counterfeited certificate of his character, or shall in any wise add to, alter efface, or erase, or cause to be added to, altered, effaced, or erased, any word, date, matter or thing contained in or referred to in any certificate given to him by his last or former actual master, or by any other person duly authorized by such master to give the same, then and in either of the said cases, such person shall be liable to a penalty not exceeding twenty pounds.

Offering himself as a servant under false pretences as to previous service

12. If any person having before been in service, shall, when offering to hire himself as a servant in any service whatsoever, falsely and wilfully pretend not to have been hired or retained in any previous service as a servant then and in such case such person

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shall be liable to a penalty not exceeding twenty pounds.

13. If any master or any other person who shall be qualified or authorized to act in his behalf shall when thereunto requested by any person desirous of employing any servant refuse or decline to inform such person of the period and nature of service of any servant who may have lived with him, and of the character and conduct of such servant during such period and in such capacity, without just and good cause to be by him stated at the time of such application, it shall be lawful for such servant to summon such person so refusing as aforesaid before a police magistrate for the district in which the master or other person so refusing to give such certificate may reside, then and there to show cause why such information should not have been given; and if such master or other person acting in his behalf as aforesaid, shall fail to satisfy the police magistrate before whom he may have been cited, that there was good reason why such information should not be given, it shall be lawful for such police magistrate to order the same to be forthwith given, and if such master or other person as aforesaid shall disobey the order of the police magistrate in this respect, he shall be liable to a penalty not exceeding twenty pounds.

Master, &c., refusing except for good reason to be shown to give a servant a character.

14. If any person shall, either personally or in writing, give any false, forged or counterfeited character, or make or give any false representation or assurance concerning or relating to the character, conduct, credit or ability of any other person, to

Giving a false or counterfeit character of another person for the purpose of obtaining employment generally.

the intent or purpose that such other person may obtain any situation either in the public service or in the service of any parochial or corporate body, or of any private person, or any licence to be granted under the provisions of any Act of this island, then and in such case, every such person so offending shall be liable to a penalty not exceeding twenty pounds.

Indemnification to
offenders discovering
accomplices.

15. If any servant who shall have been guilty of any of the offences aforesaid shall before any information has been given or lodged against him for such offence, discover and inform against any person concerned with him in any offence against the seven last preceding sections of this Act, so as such offender be convicted of such offence in manner aforesaid, every such servant so discovering and informing, shall thereupon be discharged and indemnified of, from and against all penalties and punishments to which at the time of such information given he might be liable by this Act for or by reason of such his own offence or offences.

Recovery of penalties.

16. Where not otherwise provided for all offences and penalties under this Act may be prosecuted and recovered in a summary manner before a police magistrate, and all penalties when recovered shall be paid one half to the complainant and the residue into the treasury for public uses.

Repeal.

Repeal section.

17. The several Acts mentioned in the schedule to this Act are hereby repealed to the extent mentioned, provided that,

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(1.) Any contract now in force whether made under any enactment hereby repealed or not shall continue in force until otherwise provided; and

(2.) Any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment in this Act

(3.) This repeal shall not affect

(a) the past operation of any enactment hereby repealed nor anything duly done or suffered under any enactment hereby repealed; or

(b) any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; or

(c) any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactments hereby repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding and remedy may be carried on as if this Act had not passed; or

(e) any Act in which the enactments hereby repealed have been applied, incorporated or referred to.

(4.) This repeal shall not revive any enactment, right, office, privilege, matter or thing not in force or existing at the passing of this Act.

SCHEDULE.

Date of Act.	Title of Act.	Extent of Repeal
7th January 1840	An Act to regulate the hiring of servants and to provide for the recovery and security of their wages.	The whole Act.
24th May 1855.	An Act to amend the law relating to master and servant, and to prevent the giving of false and counterfeit characters.	The whole Act,
3rd April 1883.	An Act to amend the law relating to contracts of service and to the recovery of the possession of tenements held as incident to service.	The whole Act.

1891. c. 57.

BARBADOS.

An Act to consolidate and amend the Acts of this Island relating to the office of harbour master.

BE it enacted by the Governor, Council, and Assembly of this island, and by the authority of the same, as follows ;

1. This Act may be cited as "The Har- Short title.
bour Master's Act, 1891."

The Harbour Master.

2. (1.) The Governor shall appoint some fit Appointment and
and proper person as harbour master, at an salary.
annual salary of two hundred and seventy-five pounds : and such person shall enter into bond to Her Majesty, her heirs and successors, himself in the sum of two hundred and fifty pounds, and two sufficient sureties in the sum of one hundred pounds each, conditioned for the due discharge of his duties and due accounting for and payment to the treasurer of all moneys received by him to the uses of the public.

(2.) The Governor shall appoint a clerk. Clerk.
to the harbour master at a salary of forty pounds per annum.

(3.) The harbour master is hereby au- Boat's crew and al-
thorized and required to keep a boat's crew lowance for boat.
of four hands for the public service, at wages not exceeding fifteen shillings per week each ; and he shall be paid an additional allowance of twenty pounds per annum for keeping a boat, and nine pounds per annum for stationery.

- Office rent.** (4.) The sum of twenty-five pounds per annum is hereby granted to the harbour master for the hire of an office.
- Payment of salaries &c.** (5.) The said salaries, wages, allowances and office rent shall be paid out of the public treasury, and the Governor-in-Executive Committee is hereby authorized to issue warrants on the treasurer for payment of the same.

The Assistant Harbour Master.

- Salary.** 3. (1.) The Governor shall appoint an assistant harbour master at an annual salary of not exceeding one hundred and fifty pounds, payable out of the public treasury on the warrant of the Governor-in-Executive Committee, by equal monthly instalments.
- Duties.** (2.) The assistant harbour master shall, perform such of the duties of the harbour master, and shall assist the harbour master in such manner and to such extent, and in addition, shall perform such other duties as the Governor-in-Executive Committee may from time to time appoint.
- Powers.** (3.) The assistant harbour master shall, in respect of the duties imposed on him by this Act, have all the powers, authorities, rights and privileges which, and be subject to all the obligations to which, the harbour master by law now has and is subject, and the harbour master if, and so far as he is, by any rule of the Governor-in-Executive Committee, excused from discharging any duty imposed on the assistant harbour master shall be exempt from all liability in respect of the non-performance thereof.

1891. C. 57.

(4.) The harbour master shall, (sub- Supervision of swing
ject however and without prejudice to subsec- bridge by harbour
tion two of this section) supervise and direct master.
the swinging of the swing bridge, and the
removal of all vessels into or from the inner
basin of the carenage.

General provisions.

4. The harbour master shall, and he is A fee of 4/ on each
hereby authorized to demand and receive bill of health.
a fee of four shillings for each bill of
health issued by him; and pay the same
into the colonial treasury for the uses of
the island.

5. Any vessel may come within the When vessel may
carenage for the purpose of undergoing re- come inside careen-
pair, or for laying up for security against age.
tempestuous weather, in such part of the
carenage and under such regulations as
shall be appointed by the Governor-in-Ex-
ecutive Committee.

6. The owners or masters of vessels com- Payment of careen-
ing within the carenage for any of the age dues.
purposes aforesaid, shall be subject and
liable respectively to the payment of mole
head dues.

7. Droghers and other vessels trading Droghers allowed to
coastwise of the island, shall be permitted come into the ca-
and allowed as heretofore, to load and un- renage without
load within the said harbour of the mole payment.
head, and at and alongside any of the public
wharves and shipping places within the
said harbour of the mole head; and to come
into, and to lay up, at any time, within the
said harbour of the mole head; and such
droghers or other vessels as aforesaid shall
not be subject to mole head dues except

Regulations to be
observed by vessels
in harbour.

when heaving down or undergoing repairs.

8. (1.) When any ship shall be laid up or moored within the harbour of the molehead, the owner or master of such ship shall employ and constantly keep onboard of such ship if exceeding the burthen of one hundred tons, four able men ; and if not exceeding the burthen of one hundred tons, two able men as ship keepers, who shall and are hereby declared to be subject and liable to such orders, rules and regulations as the Governor-in-Executive Committee shall from time to time make for the good government of the mole head, and the bringing in, laying up and mooring of such ships ; and the said harbour master shall, and he is hereby directed and required, in case of necessity, to cast off or cut any ropes, hawsers or lines, with which any ship may be made fast to the mole or pierhead, and to make such alteration in the situation of any ship as he may deem necessary, for the general convenience and safety of any ship within the harbour of Carlisle bay or the molehead aforesaid ; and if the owner or master of any ship shall neglect or refuse to employ and constantly keep on board such ship the number of men required by this Act as ship keepers, it shall and may be lawful for the harbour master, and he is hereby directed and required, to hire, engage, and employ on board such ship the number which may be so deficient for such time as such ship may continue laid up or moored in the harbour of the mole head ; and the costs, charges, and expenses attending the same, shall and are hereby declared to be a lien on

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such ship her boats, tackle, apparel and furniture.

(2.) All mole head dues are hereby declared to be a lien on the ship in respect of which they accrued, and on her boats tackle, apparel, and furniture.

(3.) In case the said costs, charges, and expenses, or the said molehead dues are not paid when due, the harbour master may in his discretion either proceed by action of debt to recover the same from the owner, master, consignee or person having control of the ship (who are hereby made liable to pay the same) or cause the ship her boats, tackle, apparel, and furniture to be advertised and sold, and shall convey or transfer the same in like manner and to all intent and purposes as he is directed by the next following sub-section.

(4.) The harbour master, or his lawful deputy, shall cause the ship with her boats, tackle, apparel, and furniture, to be sold at public auction, on giving fourteen days' previous notice of such sale; such notice being set up in some conspicuous place in his office, and inserted not less than three times in the "Official Gazette" and also in one of the public newspapers of this island; and such notice shall state the name and tons burthen of the said ship, and the time and place when and where the said ship will be set up for sale, and at the time and place appointed for the sale thereof, and if not then sold, at the same time and place on every subsequent Tuesday and Friday until sold, the harbour master, or his lawful deputy, shall attend and sell the same, with her boats, tackle, apparel,

and furniture, to the highest bidder for the same, for cash; and on receipt of the purchase money, the harbour master, or his lawful deputy, shall execute a conveyance or transfer to the purchaser of such ship, and shall put him into possession thereof; and such conveyance or transfer shall be good and effectual in the law for conveying and transferring all the estates, right, title, and interest of the owner or mortgagee, or other person interested therein in and to the said ship so conveyed or transferred; and the said ship shall not be subject to be redeemed by the owner or mortgagee thereof, or other person interested therein—any law, usage, or custom to the contrary thereof notwithstanding; provided always, that if at any time previous to the sale of such ship the owner or mortgagee or other the person interested in the same when advertised for sale as aforesaid, or his agent shall pay to the harbour master or his lawful deputy, all mole head dues or all his costs, charges, and expenses, for the shipkeepers of the said vessel and all costs, charges, and expenses incurred by him in and about the advertisement for sale of the said ship or otherwise howsoever up to the time, then the harbour master shall not sell the said ship but shall hand her over to her owner, or master, or other person interested therein, or his agent.

Application of proceeds of sale.

(5.) The harbour master, or his lawful deputy, shall apply the money realized by the sale of the said ship in manner following, that is to say, in the first place, in payment of all his costs, charges, and expenses incurred in and about the keep-

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ing of such ship, in payment of all mole head dues and in payment of all expenses incurred in and about the advertisement and sale thereof, and shall pay the balance of the purchase money (if any such shall remain) to the person or persons entitled to receive the same or his constituted attorney; but in case, the person to whom any such money shall be payable shall refuse to accept the same, or cannot be found, or shall refuse, neglect, or be unable to furnish the harbour master with the particulars of his, rights or interests in such purchase money, then, and in every such case, it shall be lawful for the harbour master to pay such moneys to the treasurer of the island, handing him a certificate therewith that such moneys cannot be paid, and such treasurer shall carry such sum to the credit of the person or persons, if known, who shall be entitled to the same; but if such person or persons shall not be known, then to the credit of the harbour master, in a particular account, subject to the order, control, and disposition of the court of common pleas for this island; which said court, on the affidavit of any person or persons making claim to such money or to any part thereof, by motion or petition, is hereby empowered, in a summary way of proceeding or otherwise, as to the said court shall seem best, to change the investment thereof, or to order the distribution or any payment thereof according to the estate, title, or interest of the person or persons therein, and to make such other order in the premises as to the said court shall seem proper.

(6.) The treasurer shall deposit all moneys

Money to be deposited in bank. paid in to him under this section, at interest, for the benefit of the person entitled to the same in the same manner as he is required by law to deposit other public moneys; and nothing in this Act shall be construed to permit the said treasurer to keep in his hands a larger sum than he is now authorized to do, to answer the immediate call on the said treasurer.

Protection of harbour master. (7) All actions and prosecutions to be commenced against any person for anything done in pursuance of this section shall be commenced within six calendar months after the fact committed, and not otherwise, and notice in writing of such action, and the cause thereof, shall be given to the defendant one calendar month at least, before the commencement of the action, and in any such action the defendant may plead the

In case of action defendant may plead the general issue or tender amends. general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into the court after such action brought by or on behalf of the defendant; and if judgment shall pass for the defendant, or the plaintiff shall become non-suit, or discontinue any such action, or if judgment shall be given against the plaintiff, the defendant shall recover his full costs of suit, and have the like remedy for the same as any defendant hath by law in other cases, and though judgment shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the judge

before whom the trial shall be, shall certify his approbation of the action, and of the judgment obtained thereon.

9. The harbour master shall, and he is hereby strictly enjoined, directed, and required to visit and inspect daily, the wharves, quays, and shipping places of Bridgetown, and to see that the same are at all times kept free from, and clear of all manner of nuisances, whatsoever; and the better to enable him to attend to the same, the said harbour master shall be, and he is hereby exempt from serving on juries, and if any person or persons shall land and leave on any part of the said wharves, quays, or shipping-places, any anchors, cables, irons, guns, or other articles belonging to any ship or vessel for a longer time than twenty-four hours or shall land, place, or leave on any part of the said wharves, quays, or shipping places any lumber, timber, shingles, staves, bricks, lead, coals, or any other articles of merchandise, for a longer time than twenty-four hours as aforesaid, every such person shall, for every such offence be liable to a penalty not exceeding five pounds; provided, nevertheless, that this clause shall not extend to any cranes now erected, or which shall hereafter be erected on any part of the said wharves, quays, or shipping-places.

10. If any person shall land or deposit any ballast on any other part of the wharf or molehead than shall be set apart for the purpose by the Governor-in-Executive-Committee, such person shall be liable to a penalty not exceeding five pounds, and the harbour master shall forthwith seize all ballast landed or deposited in breach of this section and make

Penalty for deposit-
ing ballast on quay
not set apart.

complaint thereof before any police magistrate who is hereby empowered to condemn the same as forfeited to the public uses of this island and when so condemned, the same shall be sold and disposed of to the best advantage by the harbour master.

Lighters &c., not to be made fast to wharves.

11. If the owner master or any other person in charge of any drogher, lighter, luggage-boat or any other boat or vessel shall make fast or suffer or permit such drogher, lighter, luggage-boat, or such other boat or vessel to be made fast to any of the quays, wharves, or shipping places of Bridgetown by means of ropes, chains, or any other manner, so as that in case of a tempest or torrent of water any part of the said wharves, quays, or shipping places might be likely to suffer injury, and shall not on receiving notice thereof from the said harbour master immediately cast off such drogher, lighter, luggage-boat or such other boat or vessel from her fastenings to the said wharves, quays, or shipping places, the person so offending shall be liable to a penalty of five pounds; and if by means of such drogher, lighter, luggage-boat or such other boat or vessel being so made fast to any part of the said wharves, quays or shipping places during such tempest or torrent of water, any part of the said wharves, quays or shipping places shall suffer injury, the owner or owners of such drogher, lighter, luggage-boat or such other boat or vessel, shall be liable to a penalty of not exceeding fifty pounds.

Fishing boats not to be made fast to wharves.

12. It shall not be lawful for any person to make fast any fishing boat, to any part of the wharves or bridges, except when actually engaged in landing fish, and the proprietor

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of such boat shall have his christian and surname, and the name of the boat marked legibly, and at full length, on the stern, and shall be responsible for the same.

13. (1.) No person shall hawk, peddle, or hawk or ped-retail any goods, chattels, wares, merchandize dling not allowed on or other articles, or exercise the trade or any of the wharves. business of a huckster, hawker, or pedlar or retailer on any of the wharves, quays, or shipping places of the city of Bridgetown or in or on board of any boat or vessel along-side of such wharves, quays, or shipping places.

(2.) Every person acting contrary to the provisions of the last preceding sub-section shall be subject to a penalty not exceeding fifty shillings.

14. If any person shall presume to en- Penalty forencroach- croach on the mole head, wharves, quays or ment on wharves &c. landing places, on either side of the channel or on the pier head, by driving piles or erecting any building, every such person shall for every such offence be liable to a penalty of fifty pounds, and such encroachment is hereby declared to be a public nuisance, and shall be abated and demolished by order of the Governor-in-Executive Committee under the authority of this Act.

15. If any vessel on coming into or Summary remedy in going out of the harbour of Carlisle bay or cases of collision. the carenage shall come in contact with and injure any other vessel and complaint thereof shall be made to any police magistrate by the party aggrieved, it shall be lawful for such police magistrate to hear and determine the same, and to award damages in a sum not exceeding six pounds to be paid by the owner, master, or other person

in charge of the vessel which caused the injury complained of to the party damaged, to be recovered in a summary manner ; provided always, that it shall not be lawful for any party who shall proceed under this section to proceed also under the general law.

Penalty on throwing carcasses into careenage.

16. Dead bodies or carcasses of any kind, or any other matter or thing whatsoever likely to become a nuisance, shall not be thrown into the careenage, mole head, or harbour of Carlisle bay ; and any person throwing, or causing to be thrown any dead body, carcase, or other matter or thing likely to become a nuisance into the careenage, mole head, or harbour of Carlisle bay, shall be subject to and incur a penalty not exceeding five pounds ; and it shall be the duty of the harbour master to take immediate steps for the removal of such nuisance ; and the party causing the same shall be liable to the expense of the removal thereof, to be recovered in addition to the said penalty in a summary manner before a police magistrate.

Throwing rubbish into the careenage.

17. If any person shall throw into the careenage or mole head any rubbish or dirt, every such person shall for every such offence be liable to a penalty of five shillings.

Penalty on persons hauling up and laying boats on the wharves or pier-head.

18. It shall not be lawful for any person to haul up or cause to be hauled up on any part of the wharves, quays, landing places or pier head, any boat or boats, without the sanction of the harbour master for that purpose first had and obtained under a penalty of fifty shillings and the further sum of twenty shillings for each and every hour that the same shall there be suffered to remain.

C.

19. If the master or other person in charge of any vessel, lying within the harbour of the mole head, shall suffer or permit any fire to be made on board such vessel, except for cooking purposes or on any stage or boat alongside such vessel, after the setting of the sun in the evening and before the rising of the sun in the morning, such master or other person so offending shall be liable to a penalty of thirty shillings. Penalty on making fire on the carenage after sunset.

20. It shall not be lawful for any person on any pretence whatever to make or cause to be made any fire on any part of the public wharves or shipping places, or on any part of the pier belonging to the mole head, and if any person shall offend herein such person shall be liable to a penalty of thirty shillings: provided, nevertheless, that it shall and may be lawful for any person to make or cause to be made any fire for boiling pitch, or other necessary business in and about the repairs of any vessel, provided the same be made within such hours and on such parts of the said pier as shall be regulated and pointed out for that purpose by the said harbour master. On wharves.

21. The said harbour master shall see that the cranes on the said public wharves and shipping places, and the landing stairs thereof are at all times kept clear of droghers and boats except when actually engaged in loading and unloading, or landing or receiving passengers; and if any person in charge of any drogher or boat shall place and keep such drogher or boat opposite to or alongside any or either of the said cranes or landing stairs, except when actually engaged in loading or unloading, or in landing or taking The cranes and landing places to be kept clear.

off passengers thereat or therefrom; or if any person shall in any manner wilfully impede or interrupt the landing or shipping of goods or produce at and from any part of the public wharves or shipping places aforesaid, the person so offending shall be liable to a penalty not exceeding fifty shillings.

Rules and Regulations.

22. (1) The Governor-in-Executive Committee shall make rules and regulations in respect of the duties to be performed by the harbour master, and in respect of any of the matters or things mentioned in this Act; and such rules and regulations, when they shall have received the sanction of both branches of the legislature, shall have the force and effect of law.

(2.) Any person committing a breach of any provisions of the said rules shall be liable to a penalty not exceeding five pounds.

Penalties how recovered.

23. Except where otherwise expressly provided for, all penalties shall be recovered in a summary manner before a police magistrate on the complaint of the harbour master, assistant harbour master, or any officer of the land, or harbour police, including the inspector general or inspector, and shall be paid into the treasury to the credit of the general revenue.

Master to produce certificate of seaworthiness on clearing.

24. Every surveyor of shipping shall as often as he may grant a certificate of seaworthiness in respect of any ship make a return of such grant, and of the date thereof, to the harbour master, who shall keep a record in his office of all such certificates, and the date on which they will expire; and the master of any ship in respect of which any such certificate shall have been granted shall

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when clearing at the office of the harbour master and the comptroller of customs, produce such certificate to the harbour master and the comptroller of customs; and if such master shall refuse or neglect to produce such certificate, the harbour master or comptroller of customs respectively shall refuse to clear such ship.

Repeal.

25. The several Acts mentioned in the Repeal. schedule to this Act are hereby repealed to the extent mentioned, provided that;

(1.) Any rule, order, register or bond, now in force whether made under any enactment hereby repealed or not shall continue in force until otherwise provided; and

(2.) Any officer appointed under any enactment hereby repealed shall continue and be deemed to have been duly appointed under this Act; and

(3.) Any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment in this Act.

(4.) This repeal shall not affect,

(a.) the past operation of any enactment hereby repealed nor any thing duly done or suffered under any enactment hereby repealed; or

(b.) any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; or

(c.) any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactments hereby repealed; or

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- (d.) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid ; and any such investigation, legal proceeding and remedy may be carried on as if this Act had not passed ; or
 - (e.) any Act in which the enactments hereby repealed have been applied, incorporated or referred to.
- (5.) This repeal shall not revive any enactment, right, office, privilege, matter or thing not in force or existing at the passing of this Act.

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SCHEDULE.

Date of Act.	Title of Act.	Extent of Repeal.
1st August 1850...	An Act to consolidate and amend the laws for regulating the office of Harbour Master and Mole Head Officer, and to make other provisions for regulating the duties of Harbour Master of the Port of Bridgetown	The whole Act.
23rd October 1861...	An Act to make better provision for the performance of the duties of Harbour Master to consolidate and amend the laws regulating the office of Harbour Master and Mole Head Officer, and to make other provision for regulating the duties of Harbour Master of the Port of Bridgetown.....	The whole Act.
30th July 1887.....	An Act to reduce the expenditure in certain departments of the Civil Service of this Island.....	That part of Schedule A: Part II. relating to the Harbour Master.
30th January 1890.	An Act to provide for the appointment of an Assistant Harbour Master.....	The whole Act.

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BARBADOS.

An Act to consolidate and amend the Acts of this island relating to constables.

BE it enacted by the Governor, Council, and Assembly of this island, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as "The Con- Short title.
stables Act, 1891,

Appointment, dismissal, and vacation of office

2. (1) The police magistrates of the parish Appointment.
of St. Michael and the respective police magistrates for the other parishes shall, and they are hereby respectively required from time to time as there shall be occasion to lay before the Governor for his approval, the names of such persons as they shall deem to be fit and proper persons to perform the office of constables within the said parishes, and from and after the approval of such persons to be constables, the said police magistrate shall administer to such persons the following declaration.

" I A. B., do declare that I will well and
" truly serve our Sovereign Lady the Queen.
" in the office of constable for the parish
" of——without favour or affection, malice
" or illwill, and that I will to the best of my
" power cause the peace to be kept and pre-
" served and prevent all offences against the
" person and properties of Her Majesty's
" subjects, and in all respects execute the

"duties of my said office to the best of my knowledge and ability." And every such constable shall be provided with a staff at the public expense, which he shall deliver up to the police magistrate of the parish for which he shall have been duly appointed within two days after ceasing to be a constable, under a penalty of ten shillings.

Suspension and dismissal.

(2.) Any police magistrate or the inspector-general of police is hereby authorized to suspend any such constable from his office for any dereliction or wilful neglect of duty and report the same to the Governor for the time being, who may dismiss such constable from his office or reinstate him, as to the Governor shall seem proper.

On leaving his parish authority to cease.

(3.) In case such constable shall go to reside in any other parish than the one in which he shall be appointed to act as such constable, his authority as such constable shall from thenceforth cease and determine, and he shall give notice of such his removal to the police magistrate of the parish from which he shall have removed, within six days after his removal, under a penalty not exceeding twenty shillings.

Neglect of Duty.

Penalty for neglect of duty.

3. Every constable who shall wilfully neglect the duties of his office shall upon conviction thereof before any police magistrate be liable for each offence to a penalty not exceeding five pounds.

Remuneration.

Remuneration for services.

4. (1) Every such constable shall in all cases in which he shall execute any writ

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summons or other process, be entitled to the fees mentioned in this subsection, and such constables are hereby declared to be invested with all powers and authorities, and immunities incident and belonging to the office of constable generally in the district for which they shall be appointed. Provided, nevertheless, that nothing herein contained shall be construed to extend to or require the attendance of such constables at the courts of common pleas or the court of grand sessions, unless specially summoned thereto.

Constable's fees,

	s.	d.
Executing a warrant or summons, for each person included therein, if in the parish.....	2	0
Ditto if out of the parish.....	3	0
Executing a special writ.....	4	0
Summoning each witness, if in the parish.....	1	0
Ditto if out of the parish.....	2	0
Executing a search warrant.....	3	0
Executing a commitment to prison....	3	0
Levying an execution.....	2	0

(2.) Every constable who shall apprehend and convey to prison any offender, shall be entitled to be paid two shillings for each case in which he shall have been engaged in so doing, and also two shillings for each and every day that he shall have been required to attend at a magistrate's court, or at the assistant court of appeal, or at the court of grand sessions to give evidence against any offender.

(3) The several police magistrates shall give to each constable a certificate of the

cases in which he shall have been engaged in apprehending and conveying offenders to prison and of the number of days he shall have been required to attend, and shall have so attended at their courts to give evidence against offenders; and shall on or before the fifth day of every month, make a return of the same to the Governor-in-Executive-Committee for payment; and the clerk of the assistant court of appeal and the clerk of the crown respectively shall give a certificate to each constable of the number of days he shall have been required to be in attendance, and shall have attended to give evidence at the assistant court of appeal or the court of grand sessions; and the clerk of the assistant court of appeal shall, on or before the fifth day of every month, and the clerk of the crown shall within seven days after the close of every court of grand sessions, make returns of the same, one for each magisterial district, to the Governor-in-Executive Committee for payment; and the said returns when passed by the Governor-in-Executive Committee shall be sent by the Colonial Secretary to the several police magistrates who shall pay out of the fees and fines of their office the respective amounts due the said constables, and shall return the vouchers for such payments to the colonial treasurer who shall on the accounting of such police magistrates for the fees and fines received by them, allow the sums paid to constables as aforesaid. Provided always that no constable shall be entitled to a certificate, or to be paid for such services as aforesaid, when the complaint shall have been dismissed in a

D.

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magistrate's court, unless from any special circumstances connected with the case, the magistrate shall see fit to return him for payment, which circumstances shall be inserted at the foot of each return

Assault on a constable.

5. If any person shall assault or resist, or Assaulting, &c. constable shall aid or incite any other person to assault or resist any such constable in the execution of his duty, every such person on conviction thereof before a police magistrate, shall be liable to a penalty not exceeding five pounds.

Penalties.

6. All offences and penalties under this act Recovery of penalties where not otherwise provided for, shall be prosecuted and recovered, in a summary manner before a police magistrate, on the complaint of any person; and all penalties shall be paid into the treasury for public uses.

Repeal.

7. The several Acts mentioned in the schedule to this Act are hereby repealed, to the extent mentioned, provided that

(1.) Any rule order or by law now in force whether made under any enactment hereby repealed or not shall continue in force until otherwise provided; and

(2.) Any officer appointed under any enactment hereby repealed shall continue and be deemed to have been duly appointed under this Act; and

(3.) Any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment in this Act.

(4.) This repeal shall not affect

(a.) the past operation of any enactment hereby repealed nor anything duly done or suffered under any enactment hereby repealed ; or

(b.) any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed ; or

(c.) any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactments hereby repealed ; or

(d.) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty forfeiture, or punishment as aforesaid and any such investigation, legal proceeding and remedy may be carried on as if this Act had not passed ; or

(e.) any Act in which the enactments hereby repealed have been applied, incorporated or referred to

(5.) This repeal shall not revive any enactment, right, office, privilege, matter or thing not in force or existing at the passing of this Act.

SCHEDULE.

Date of Act.	Title of Act.	Extent of Repeal.
20th December 1851.	An Act for better regulating the fees to be taken by magistrates and constables.	The whole Act.
2nd February 1854	An Act for the appointment of constables.	The whole Act.
29th May 1856.	An Act to amend the Act of 2nd February 1854, entitled, an Act for the appointment of constables.	The whole Act.

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CAP. LIX.

(Assented to 24th June, 1891)

BARBADOS.

An Act to consolidate and amend the Acts of this Island relating to the Colonial Treasurer.

BE it enacted by the Governor, Council, and Assembly of this Island and by the authority of the same, as follows ;

Short title.

1. This Act may be cited as "The Colonial Treasurer's Act, 1891." Short title.

Department.

2. (1) The colonial treasurer's department shall consist of the following officers at the respective salaries affixed thereto ; Salaries.

A Colonial Treasurer	at £1000	per annum
A Chief Clerk	at £250	„
A Second Clerk	at £150	„
A Third Clerk	at £ 80	„
A Messenger	at £ 20	„

The foregoing salaries shall be paid monthly from the public treasury on the warrant of the Governor-in-Executive Committee.

(2) The Colonial Treasurer shall be annually nominated by the General Assembly of this island, and approved of by the Governor-in-Executive Committee, and shall before being qualified to act enter into bond to her Majesty, her heirs and successors, before the Governor-in-Execu- Appointment of treasurer.

A—1.

tive Committee, with two good and sufficient sureties, to be approved by the Governor-in-Executive Committee, in the sum of eight thousand pounds for the faithful performance of the duties of the office of treasurer, and faithfully accounting for all his transactions therein, and for all monies paid into the treasury, whenever thereunto legally required.

Appointment of clerks.

(3.) The officers of the colonial treasurer's department shall, from time to time, be appointed by the Governor, and shall enter into bond in such sum as the Governor shall appoint for the faithful discharge of their duties, and due accounting for all monies, and they shall not be engaged or concerned in trade or other business, or in the exercise of any other occupation, calling, or profession, or hold any other office or appointment, or be interested in any contract, bargain, or engagement for the public service; provided always that this subsection shall not apply to the offices of treasurer of the Lodge School, Queen's College, and the Combermere School held by the present chief clerk, so long as they are so held.

Rules and regulations.

(4.) The Governor-in-Executive Committee may, from time to time, appoint the hours of attendance of the several officers of the colonial treasurer's department; and may also, from time to time, make regulations in relation to the performance of the duties of the office.

Exemption from service on jury.

(5) No officer of the colonial treasurer's department shall be liable to serve on any jury or inquest, or on any appraisalment of property.

(6.) The colonial treasurer's department shall be provided with an office free of charge, in the public buildings. **Office.**

(7) All fees to which the treasurer may be entitled shall be received, and shall be to the public uses, and accounted for accordingly. **Fees for public use.**

(8) The cost of all books and stationery required by, and all incidental expenses of the colonial treasurer's office shall be borne by the public treasury. **Stationery &c. cost of paid from treasury.**

Disposal of moneys.

3. (1) The treasurer is hereby authorised and required to deposit in the Colonial bank in the name of the treasurer, the whole of the public moneys, which at the time of making such deposit, shall be in his hands, or for which he shall be accountable as treasurer as aforesaid, over and above the sum of eight thousand pounds, there to remain at interest for the benefit and advantage of the public of Barbados. **Deposit in Colonial Bank of excess over £8,000.**

(2) When and so often as there shall remain in the hands of the treasurer, any further or greater sum than five hundred pounds, over and above the sum of eight thousand pounds it shall and may be lawful for the treasurer and he is hereby authorised and required, to deposit in-like manner all such further and greater sum of money than five hundred pounds over and above the sum of eight thousand pounds at interest in such bank as aforesaid, for the benefit of the said public. **Deposit of all sums in hand over £8,500.**

(3) It shall be lawful for the Governor-in-Executive Committee from time to time to issue instructions to the treasurer as to the **Governor-in-Executive Committee may direct deposit or withdrawal.**

deposit and withdrawal of the public balances in his hands, over and above the sum of eight thousand pounds, and it shall be lawful for the treasurer by the direction of the Governor-in-Executive Committee and subject to the terms of any agreement with the bank of deposit from time to time, as may be needful for the public uses of the island to draw out any sum or sums of money which he may have deposited under the authority of this Act, and also, if so instructed by the Governor-in-Executive Committee on such representation as aforesaid to retain in his hands for the uses of the island any sum over and above the said sum of eight thousand pounds.

Withdrawal and re-deposit of interest. (4) The treasurer is hereby authorised and required, to draw out the interest half-yearly on the deposits made by him in the said bank, and immediately thereafter to replace out the same at interest in the said bank.

Public moneys to vest in successor.

Public moneys shall vest in successor on death, resignation or removal. 4. Upon the death resignation, or removal of any treasurer, all moneys so deposited in the colonial bank, and also the balance of cash in the books of the said bank to his credit as such treasurer, and all public moneys in the office of the said treasurer, shall, upon the appointment of his successor, unless otherwise provided by law, vest in and be transferred to the account of such successor, and shall not, in the case of death of any such individual constitute assets of the deceased, or be in any manner subject to the control of his personal representative, and in case any loss shall happen by reason of the deposit-

ing of the public moneys pursuant to the directions hereinbefore contained in such bank, the treasurer and his sureties shall not be liable to make good the same, but such loss shall be borne by the public; provided always that nothing herein contained shall exonerate, or be construed to exonerate, such treasurer and his sureties from any responsibility they shall or may incur by the acts or defaults of the said treasurer.

To submit monthly statements to the House of Assembly.

5. The treasurer shall, and he is hereby required, on the first day of every month, to make out and prepare a true and just statement of all sums of money received and paid by him during the preceding month, and on what account, showing the balance then remaining in his hands for, or on account of, the said public, such monthly statement or statements to be laid before the House of Assembly at each sitting of the said House, by the treasurer for the time being of this island.

Monthly statements of account.

Salaries payable monthly.

6. The fixed claims on the Government of this island in respect of salaries, services and allowances shall be paid monthly.

Monthly payment of fixed claims.

7. Public officers receiving fees to the public use shall account for the same according to law at the end of every month, and until such accounting shall be had, such public officers shall not be paid their monthly claims.

Monthly account of fees by all public officers.

8. For the purposes of "The Pension Act

Staff of depart-

ment brought with-
in Pensions Act
1890.

1890." this Act shall be deemed to have been passed immediately prior to the date of the said Pension Act, and the service of each officer of the colonial treasurer's department in that department prior to the passing of this Act shall be reckoned in arriving at the amount of any pension any such officer may be entitled to, and such officers shall within six months after the passing of this Act elect under which part of the said Act they shall come under.

Repeal.

Repeal.

9. The several Acts mentioned in the schedule to this Act are hereby repealed to the extent mentioned; provided that

(1). Any rule, order, or bye-law now in force whether made under any enactment hereby repealed or not shall continue in force until otherwise provided; and

(2). Any officer appointed under any enactment hereby repealed shall continue and be deemed to have been duly appointed under this Act; and

(3). Any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment in this Act.

(4). This repeal shall not affect.

(a) the past operation of any enactment hereby repealed nor any thing duly done or suffered under any enactment hereby repealed; or

(b) any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; or

(c) any penalty, forfeiture, or punishment

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incurred in respect of any offence committed against any enactments hereby repealed ; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ; and any such investigation, legal proceeding and remedy may be carried on as if this Act had not passed ; or

(e) any Act in which the enactments hereby repealed have been applied, incorporated or referred to.

(5). This repeal shall not revive any enactment, right, office, privilege, matter or thing not in force or existing at the passing of this Act.

SCHEDULE.

Date of Act.	Title of Act.	Extent of Repeal
26th April 1708.....	An Act appointing a committee for settling the public accounts of this Island; and appointing the officers' salaries of the treasury, and excise on strong liquors.....	Proviso to section seven.
17th November 1843.	An Act for more fully securing the public moneys, for depositing a part thereof at interest in the chartered banks, and for otherwise regulating the office of Treasurer of this Island.....	The whole Act.
5th August 1854..	An Act to authorize the Treasurer to draw for the interest of the public moneys deposited in the banks, and immediately to reinvest the same.....	The whole Act.
29th July 1853.....	An Act to fix and regulate the salary and allowance of the treasurer of this Island.....	The whole Act.
10th November 1856.	An Act to authorize monthly payments of all fixed claims on the government of this Island.....	The whole Act.
2nd February 1859.	An Act to alter and amend the Act for the more fully securing the public moneys, and for depositing a part thereof at interest in the chartered banks...1843.....	The whole Act.
31st December 1861.	An Act to alter and amend the Acts of 17th November, 1843, and 2nd February, 1859...	The whole Act. The whole Act.

(Assented to 4th July 1891.)

BARBADOS.

An Act to consolidate and amend the Acts of this Island relating to highways.

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows ;

Short Title.

1. This Act may be cited as "The Highways Act, 1891." Short title.

Interpretation.

2. In this Act the following words and expressions are used in the following senses, unless the context shews that a different sense is intended : Interpretation.

"Cart" shall include any cart, waggon, wain, car, dray, or other vehicle of burden.

"Highways" shall include any public roads in this Island, and any streets, lanes, alleys, bridges, water courses, wharves, embankments, tunnels, drains, gutters, and sewers in any of the towns of this Island, except such portions of the wharves as shall be constructed of masonry.

"Parish" shall mean the parish where the land is situate, or where the vehicle or taxable animal is kept.

"Parochial Treasurer" shall include the person acting in his stead ; or the person performing the duties required by this Act to be performed by the

Parochial Treasurer of the parish by reason of such Parochial Treasurer declining to perform such duties.

“Taxable animal” shall include any horse, mule, or ass.

“Vehicle” shall include any carriage, phaeton, chaise, gig, van, waggon, dray, cart, or other conveyance of the like description.

Divisions of Act.

Division of Act. 3. This Act shall be divided into five parts :

Part 1. Commissioners, and their servants.

Part 2. Prevention of obstruction and accidents on highways.

Part 3. Marking of carts driven on highways.

Part 4. Highway Fund.

Part 5. Miscellaneous.

PART I.

COMMISSIONERS AND THEIR SERVANTS.

Number of Commissioners.

Appointment of commissioners.

4. (1.) The vestries of the several parishes of this island, except as hereinafter provided, are hereby authorized to appoint on the twenty fifth day of March, or within twenty one days after, in each and every year three fit and proper persons to be Commissioners of highways within their respective parishes.

(2.) The vestry of the parish of Saint Michael are hereby empowered to appoint in the manner and at the same period as above provided, three fit and proper persons to be Commissioners of highways for the rural portion only of their said parish.

(3.) The vestry of the parish of Saint Michael shall at the time aforesaid appoint ~~six~~ of their own body, and *four* other fit and proper persons, not being members of the vestry to be Commissioners of highways for the City of Bridgetown. The Commissioners of highways shall be also the commissioners of health for the parish of Saint Michael.

Vacancy in Board.

5. (1) Should any Commissioner be absent from the Island without leave, which leave the vestry are hereby empowered to give, appointing some one to act in his place, he shall be deemed to have vacated his office, and the vestries of the respective parishes are hereby authorized to appoint another in his place. Vacancy by reason of absence without leave or resignation to be filled up.

(2) Any Commissioner of highways who may desire to do so may resign his office as Commissioner of highways.

6. The vestries aforesaid shall fill any vacancies that may from time to time occur in the Boards of Commissioners for their respective parishes, or the City of Bridgetown.

Meeting.

7. The said Commissioners of highways shall meet at some place to be appointed by them for that purpose, once in every month or oftener if necessary. Place of meeting.

Quorum.

8. All acts required to be done and performed by the Commissioners of highways of any parish or district, may be done and performed by the major part of them. Quorum.

Clerks of highways Commissioners.

Clerks of commissioners, appointment, and duties. 9. (1.) The Commissioners of highways for the rural portion of the parish of Saint Michael are hereby authorized to pay a salary not exceeding twenty five pounds per annum to the clerk of their board, whether he be the Parochial Treasurer of the parish, or another person, out of the funds at their disposal, and to provide a proper office for him at such rent as they may deem fair and advisable.

(2.) The Parochial Treasurers of the several parishes, other than the parish of Saint Michael, shall act as clerks to the respective Boards of Commissioners, and the Parochial Treasurer of the parish of Saint Michael shall act as clerk to the Board of Commissioners for the City of Bridgetown.

(3.) The clerks of the respective Boards of Commissioners shall attend them at their meetings, and shall take and record their minutes and proceedings, and shall enter into books to be kept for such purpose the complaints of all persons of any nuisance or obstruction on the highways, or the defective state of the same for want of repair or otherwise, and produce and lay such books before the Commissioners at their meetings aforesaid.

Duties and powers.

Duties and powers of commissioners.

10. The Commissioners of highways of the several parishes, of the rural portion of Saint Michael, and of the City of Bridgetown shall be subject to and possess the duties and powers in the following sections mentioned.

Repairs of highways.

11. (1) ~~They shall have charge of the highways in their respective parishes, in the rural portion of the parish of Saint Michael, and the City of Bridgetown, and shall make, construct, repair, and keep in proper order the same as to them shall seem meet, and they shall from time to time ascertain the state and condition of the highways within their respective districts, and give the necessary orders to the Inspectors of highways for the repair of the same, taking care that those which most require repair be first attended to. And the said Commissioners are hereby authorized and empowered to enter into contracts with persons willing to contract for the repair and keeping in repair of any highway or part of a highway, or for building or repairing and keeping in repair and good order any tunnels, drains, arches, or bridges; or the said Commissioners may direct the employment of labourers and workmen, and the purchase of materials for the repair and keeping in repair of the same, as may be most advantageous to the public; and when any highway, tunnel, arch, or bridge, is undergoing repair, the person charged with the repairs shall have proper barriers erected to prevent accidents happening to persons travelling thereon or thereby. And the said Commissioners are hereby authorized to draw orders on the Colonial Bank for all such sums of money as shall from time to time be required in carrying out the objects of this Act.~~ They shall construct and repair the highways.

(2) The Commissioners of highways shall have and exercise in and over the wells, dams for taking off sucks, and dams handed over to them under storm waters shall

be under their control. the provisions of the Act of the thirtieth day of August one thousand eight hundred and eighty relating to the digging and making wells, sucks, and dams for taking off storm waters, all the powers and authorities which by law they have and exercise in and over the highways of their respective parishes, and shall in the first instance pay the charges and expenses for attending to and keeping in good order the said wells, sucks, and dams out of the road funds of their respective parishes, and they shall in the month of July in every year furnish to the Auditor General of this island accounts of the same made up to the thirtieth day of June in the same year to be audited by him; and when the accounts have been duly audited, the same shall be laid before the several branches of the Legislature of this island, and thereupon the sums expended shall be repaid to such commissioners respectively from the public treasury on warrants by the Governor-in-Executive Committee.

Appointment of officers, contracts &c.

They shall appoint all assistants &c. 12. They or a majority of them shall from time to time as they shall see fit, appoint and employ such officers, servants, and assistants, and make and enter into such contracts, bargains, and agreements, whether for services or materials, as may be deemed necessary for the due and effective repair of the highways, and performance of the several duties and things required of them by this or any other Act.

Receive complaints.

and shall consider 13. It shall be their duty to receive and

consider all applications, complaints, and other representations which may be made or referred to them by any person touching either the manner in which the highways may have been made or repaired, the defective state of the same from want of repair, or otherwise; the existence of any nuisance or obstruction thereon; the taking of contracts and all other things done or contemplated under the provisions of this Act; and to give such directions with regard to the same as may be expedient or necessary for the due carrying out of the objects of this Act.

all complaints, applications &c.

Widen, make, or lay out roads.

14. (1.) When it shall appear to the Commissioners of any parish that any highway is not of sufficient breadth, they are empowered to order the same to be enlarged and widened in such manner as they shall in their discretion think fit, so that the said highway when enlarged shall not exceed twenty-four feet in breadth, save and except where any peculiar conformation of such highway may require a width over and above twenty-four feet; and forasmuch as in many places the highways may with more ease and less charge be altered than repaired, and it may be necessary also in some places and for some purposes to make new roads, and particularly for the giving of a road to church or market, to any person who shall be without and shall require one, in such cases or either of such cases happening, the Commissioners of highways of the parish are hereby empowered to proceed to lay out and allot such highway, but the power of the Commissioners in this behalf shall be exercised with as little detriment to

and shall widen, and make highways.

any private person as practicable, and shall not extend to pull down any house or building, or to take away the land of any garden, orchard, or yard. And the said Commissioners of highways shall employ a competent land surveyor to attend at the laying out such highway, and shall require him to furnish a plot thereof in duplicate; and when the proceedings are duly concluded, the said Commissioners of highways shall have one of the said plots lodged in the office of the Colonial Secretary, to be by him filed and preserved with the public records of the Island, and the other of the said plots shall be kept and preserved with the records of the parish.

(2.) And in order that the person who shall be seized of or interested in the land which shall be laid off for making, enlarging or widening any highway shall receive satisfaction for the same, the said Commissioners of highways are hereby required to make application to the Police Magistrate of the parish or city, who shall thereupon issue a warrant under his hand and seal for summoning and empanielling a jury, consisting of five freeholders of the parish where such highway may be required to be altered, turned, or laid out, and either of the said Commissioners of highways shall administer an oath to each of the said jury, in the words following:—

“I, A. B. do swear, that I will to the best of my skill and judgment, duly execute the trust reposed in me and the duties by this Act required of me without fear, favour, or partiality—So help me God.”

And the said jury are hereby empowered to

assess what sum shall be awarded to the owner or tenant of the said land, and also to any other person who may be injured by the enlarging or making of such highway: Provided always that six days' notice in writing shall be given by the said Commissioners of highways to the owner or occupier or other person interested in such land as aforesaid, or to his guardian, trustee, or attorney, as well of the time of laying off of such highway by the said Commissioners as of assessing the value thereof by the jury as aforesaid, and upon payment or tender of payment of the money so to be awarded and assessed to the person entitled to receive the same, the land after being so laid off for a road as aforesaid, shall be deemed and taken and for ever afterwards made use of as a public highway to all intents and purposes whatsoever, reserving nevertheless to the owners of such land the fee simple and inheritance thereof.

(3.) If any freeholder duly summoned for any of the purposes aforesaid shall neglect to appear, or appearing shall refuse to be sworn and perform the duty by this Act required of him, unless he shall give a lawful excuse to be allowed of by the Police Magistrate, under whose warrant he may have been summoned, he shall forfeit and pay the sum of one pound; and every person summoned as a juror, shall have five days' notice of the time and place when and where to attend.

Road to Church or market.

15. If any person shall require a road to church or market from his place of residence, it shall be lawful for the Commissioners of

and roads to church or market.

highways of the parish to proceed in manner aforesaid to have the said road laid off at the cost of the party requiring the same; to be assessed, if necessary, by a jury summoned, empannelled, and sworn as aforesaid, and upon payment or tender of payment of the sum awarded to the owner of the land so laid off for a road, such road shall from thenceforth be for the public use. But where any plantation, estate, or place shall contain a road leading from the buildings thereon to the public highway adjacent, and the said plantation, estate or place shall have been sold out in lots, and the owner or owners of any such lot or lots shall require a road to the same, it shall only be lawful for the Commissioners of highways to lay out such road or roads from any such lot or lots to the original road leading from such buildings to the public highway or over original lands of such plantation, estate, or place, and not over lands of any other party or parties, except with the consent of the owner or owners of such land or lands. Provided always that the fee simple of any land so laid off for a road shall continue and be in the owner of the said land, his heirs and assigns for ever, but without interruption or prejudice to the public or any person whomsoever requiring the use of the said road.

Abandoned roads.

16. If it shall happen that in the laying out of a new road any old road may be abandoned, it shall be lawful for the owner of the land through which the said old road may pass, to resume the possession of the same on payment to the Parochial

Abandoned roads may be resumed by owner on paying assessed value.

Treasurer of the parish where such road is situate for the uses of the roads, such sum of money as the jury assessing the value of the new road shall consider to be the value of the land of such old road.

Private roads.

17. And whereas roads are in some cases made use of on sufferance, to the great convenience of the public which have never been laid off by a jury, and it is deemed expedient that the Commissioners of highways of the parish in which such roads may be, should have power to repair such roads should they deem it beneficial to the public, and obtain the consent of the owner or his attorney for that purpose, if therefore the owner or his attorney shall give consent in writing to the said Commissioners of highways to repair any such road, which consent shall be preserved amongst the records of the parish, the said Commissioners of highways shall have, and they are hereby invested with full power and authority to have such road repaired, and such road, after the repair thereof, shall be deemed, taken, and used as a public road to all intents and purposes whatsoever as if the same had been laid off according to law, but the fee simple in the land of such road shall nevertheless be and remain in the owner thereof, his heirs, and assigns.

They may with consent keep private roads used by the public in repair.

Cross roads.

18. To remove doubts in respect of the cross-roads of parishes, the Inspector of each parish shall from time to time make a report in writing to the Commissioners on his parish of all such cross roads therein as

Return of public cross roads by inspector.

may be considered public ; and the said Commissioners shall cause notice thereof in writing to be given to the owner or proprietor of the adjoining lands or his constituted attorney, and unless an objection in writing to the said report shall be lodged with the Commissioners within three months after such notice, the said report shall stand confirmed as to all the cross-roads therein set forth as being public to all persons whomsoever : and the said report shall forthwith be placed on record in the Secretary's Office of this Island ; but if any person shall within the time aforesaid take an objection in manner as aforesaid to any road set forth in such report as not being a public road, the question shall be referred by the said Commissioners to the Police Magistrate of the parish who if not interested in the matter, shall take cognizance of the same, but if interested therein, then the question shall be referred to some other Police Magistrate, and the Police Magistrate taking cognizance of the question shall by warrant under his hand directed to a police officer, summon before him at a time and place to be fixed for that purpose, all persons who it may be alleged can give evidence therein, and shall examine such persons on oath touching the inquiry, whether the road objected to has ever been heretofore a public road, and shall give his judgment thereon in writing such judgment to be subject to the right of appeal given by "The Assistant Court of Appeal Act, 1891"; but if such judgment be not appealed from, the same shall be final and shall forthwith be recorded, together with the Inspector's report in the said Secretary's Office.

Inspectors of highways.

19. (1.) The Commissioners of highways shall from time to time as they shall see fit, Appointment and
salary of inspector. appoint some fit and proper person to be Inspector of highways for the City of Bridge-Town and their respective parishes, at the salary mentioned in the second part of this section, with such superintendents and assistants as to them shall seem necessary; and shall pay to such superintendents and assistants such sums per day for their services while so employed respectively as the said Commissioners shall see fit; and the said Commissioners shall have power whenever they see fit to remove any such Inspector, superintendent, or Assistant, and appoint some other if they see fit in his place.

(2.) The salary of the Inspector of highways for the rural part of the parish of Saint Michael shall not exceed two hundred pounds per annum. The salary of the Inspector in each of the other parishes, and in the City of Bridgetown shall not exceed one hundred and fifty pounds per annum.

(3.) It shall be lawful for the Commissioners of highways on each occasion of the appointment of an Inspector of highways for the city of Bridgetown or their respective parishes, to make such contract with the person so appointed as to the duration of his appointment and as to the rate of remuneration for his services as they shall deem fit; provided always that the rate of remuneration agreed upon shall in no case exceed the limit fixed in the last preceding sub-section.

(4.) Every person so appointed an Inspect

tor of highways shall, before entering upon his office become bound by an obligation in writing to Her Majesty, her heirs and successors, himself in the sum of two hundred pounds with two sufficient sureties in the sum of one hundred pounds each, such sureties to be approved by the Commissioners making the appointment, and the condition of such obligation shall be for the proper and just application of all moneys, which shall come to the hands of such Inspector of highways, and for duly accounting for the same whenever thereto required by the said Commissioners.

(5). The obligation to be entered into under this Act by the Inspector of highways shall be lodged with the Treasurer of the Island, and remain in his office until the same shall be duly discharged; and in case of any breach in the condition of the said obligation the said Treasurer shall forthwith put the same in suit, and he is hereby authorized to pay all moneys necessary for prosecuting such suit, and shall pay the sums recovered to the Parochial Treasurer of the parish in or for which the defaulter was Inspector of highways, and if the sum of money in default shall exceed the amount of such obligation the same shall be and remain as a debt against the defaulter, being such Inspector of highways, and the said Treasurer shall proceed by action of debt to recover the amount in excess of such obligation, and pay over the same in manner as aforesaid.

Duties of inspectors.

20. The Inspectors of highways shall be charged with the general superintendence of all the public highways within their

respective parishes or districts, and it shall be their duty to see that they are properly made, repaired and maintained; and they shall have milestones, as occasion may arise, affixed on the sides of each of the highways as the Commissioners of highways of their respective parishes or city may think fit to direct; and shall take care that the letters and figures on such mile stones shall be distinct and legible; and they shall enter all their proceedings in proper books to be kept for that purpose; and they shall keep proper books of account of all moneys which shall come to their hands, and the application of the same; and they shall, as often as may be possible, view all the common highways, public paths and streets, and all common bridges and watercourses within their respective parishes or districts, and shall from time to time make reports to the Commissioners of their respective parishes or districts, of the state of such common highways, public paths and streets, and all common bridges and watercourses, and of all circumstances relating thereto, which ought to be brought to the notice of the Commissioners; and they shall duly attend to and observe all orders and directions whatsoever which the Commissioners of their respective parishes or city may, from time to time give with reference to the objects of this or any other Act relating to the highways; and it shall be the especial duty of the said Inspector of highways to enforce the provisions of this Act, and of all other Acts relating to the public highways, against all persons who may violate the same, and they shall attend the meetings of the Commis-

sioners of their respective parishes or city when thereto required.

Cleaning trenches. 21. The Inspectors of highways of the several parishes shall have all trenches kept clear of mould or other obstructions out of the funds at their disposal; and it shall be lawful for the said Inspectors to cause the mould and other material so cleared from the trenches to be deposited on the adjoining banks.

PART II.

PREVENTION OF OBSTRUCTION AND ACCIDENTS.

Encroachment.

Removal of encroachments.

22. If any person shall encroach upon any highway by means of any building, enclosure, hedge, fence, or in any other manner, such person shall incur a penalty not exceeding the sum of two pounds, and if the encroachment be not removed within twenty four hours after notice thereof, from any Commissioner, inspector, superintendent, or other person entrusted with the care maintenance, or repair of the roads of the parish, or from any person acting under their authority, the same shall be removed at the cost of the offender, to be recovered as penalties under this Act; provided always that nothing herein contained shall prevent or be construed to prevent the owner or occupier of any building or land adjoining a public highway from covering over the gutter adjacent to any door or gate belonging to such building or land so as to allow vehicles and passengers to have access to and from such building or land; provided also that such covering shall not in any way

obstruct the public highway, and shall not interfere with the free passage of storm water through the gutter under such covering, and shall be laid under the supervision of the Commissioner of Highways and in such manner as such commissioners approve.

Heaping rubbish.

23.—(1.) If any person shall wilfully place timber, stone, trash, manure, soil, ashes, rubbish, or other matter or thing whatsoever upon any highway, the person so offending shall incur a penalty not exceeding two pounds; and it shall be lawful for the Commissioners, inspector, superintendent, or other person entrusted with the care of the roads of the parish, to cause the said highway to be cleared, by removing or disposing of such matter or thing, and to apply the proceeds thereof, first in defraying the cost of such removal, and to pay the residue into the public treasury for the use of the parish: Provided nevertheless, that if such timber, stone, trash, manure, soil, ashes, rubbish, or other matter or thing as aforesaid, shall not sell for a sufficient sum to defray the expenses of removing them, the person who deposited or caused the same to be deposited on the said highway, shall pay to such Commissioners, inspector, superintendent, or other person entrusted with the care, maintenance, or repair of the roads, such sum of money as shall have been necessarily expended in the removal thereof, and in default of payment the same shall be recovered as a penalty under this Act. Provided always, that where it shall be made to ap- Removal of things placed on highways.

D—1.

pear to the satisfaction of the Police Magistrate hearing the complaint, that the local situation of the lands adjoining any highway occasioned the temporary depositing thereon of such trash, manure, soil, ashes, or other matter or thing intended to be applied to such lands, or that bad weather or other reasonable cause had interposed to prevent the removal of any such matter or thing aforesaid, the party so depositing the same shall not be subject to the penalty aforesaid, nor shall such articles or things be forfeited, provided they do not remain on such highway after sunset of any day: Provided always, that nothing in this section contained shall extend to prevent stones or other materials being placed on the highway for the repair of the same.

(2.) If any person shall put or place any soil, manure, substance, or other thing on any highway, which may be detrimental to the same whilst undergoing repair, or after the same shall have been repaired, but before such road has become sufficiently settled and fixed, the person so offending shall incur a penalty not exceeding twenty shillings. Provided always that nothing in this section contained shall affect the provisions of the first sub-section of this section.

Scaffolding, building materials, &c.

Exception in favor of persons building or repairing houses &c.

24. Nothing herein contained shall be construed to prevent persons building or repairing any building of whatever description in any town of this Island from erecting such scaffolding, or collecting such materials as may be necessary in the course of such building or repairing, although the same

should encroach on any public street or highway ; Provided the same be done with the knowledge and concurrence of any Commissioner or other person entrusted with the care, maintenance, or repair of the highways for the parish in which such town is situated and that no more of the public highway be encroached upon, nor the encroachment continued longer than is unavoidably necessary to such building or repairs ; and provided also that all due care be taken to guard the public against danger, in respect of such scaffolding or collection of materials.

Steam engines &c., near highways.

25. No steam-engine or other like machine, or windmill shall be erected within fifty yards of any highway, unless such engine or other like machine be within a house, or sufficiently screened by a wall or barrier, so that the same may not be dangerous to passengers, horses or cattle ; nor shall it be lawful for any person to make a ditch or pit upon or within ten feet of any highway ; and in case any person shall offend herein, every such person shall forfeit and pay a sum not exceeding one pound for each and every day such steam-engine, or other like machine, windmill, ditch or pit, shall be permitted to continue contrary to the provisions of this section ; and where any person shall have made a ditch or pit, prior to the passing of this Act, within ten feet of any highway, such person shall within thirty days after receiving notice thereof from the Commissioner or chief person entrusted with the care, maintenance or repair of the roads of the parish, either cause the same to be filled up, or have a

No steam engines &c., to be erected within 50 yards, unless &c.

wall or other substantial barrier erected between the same and the highway, so as to prevent accidents happening to passengers, and in default thereof such person shall forfeit and pay a sum not exceeding one pound for each and every day such ditch or pit shall be permitted to continue without being filled up, or without such barrier as aforesaid. Provided always, that it shall be lawful for the said Commissioners or chief, person entrusted with the care, maintenance, or repair of the roads of the parish, to permit the erection of windmills within a shorter distance than fifty yards of any highway, where the local position shall render a shorter distance indispensable, and where the same may be done without detriment to the public. Provided that nothing herein contained shall be construed to restrain any person from using, repairing, rebuilding, or enlarging any steam-engine, or other like machine, or any windmill which may have been erected and in existence at the passing of this Act.

Open wells near highways.

No wells within
30 feet unless &c.

26. If the owner or occupier of land adjoining a highway shall have or shall sink a well therein within thirty feet of the highway, such owner or occupier shall have a wall or other substantial enclosure erected round the same four feet high. And any person failing to comply with the provisions of this section shall, after receiving seven days notice from a Commissioner, inspector, superintendent, or other person entrusted with the care, maintenance, or repair of the roads of the parish, incur a penalty of two shillings and sixpence for each day after the

expiration of such notice, that any such well shall remain unenclosed as aforesaid.

Hanging clothes &c., near highways.

27. If any person shall put or place any clothes, linen, or cloth, upon any wall, hedge, fence, or paling adjoining any highway, or shall place or spread the same on the ground within ten yards of any such highway, or shall wash any clothes or other matter upon any highway, or shall put up, place, or affix any clothes, cloth, or merchandise of any sort, on the outside of any building within any of the towns of this Island, or of any balcony, gallery, doors, or windows of any such house or building such person shall forfeit a sum not exceeding five shillings.

No clothes on adjoining walls &c., or on ground within 10 yards, or on balconies.

Playing on loud musical instruments.

28. If any person shall be found performing upon any instrument called the pump, or upon any loud musical instruments within twenty five yards of any highway (except being within a dwelling house or enclosure,) such person shall, for each such offence, forfeit and pay a sum not exceeding five shillings.

No playing on loud musical instruments within 25 yards.

Walls &c., overhanging highways.

29. When any wall or dangerous building shall overhang any street or road, so as to be dangerous to passengers, it shall be lawful for the Commissioners to give notice to the owner, proprietor, or his representative, to have the same either taken down or sufficiently repaired, so as to remove the danger; and any person omitting forthwith to do so after notice, the said Commissioners are hereby authorized to pull down or re-

Removal of walls and dangerous buildings overhanging.

pair the same as they shall see fit, at the expense of the parties, and the expense incurred in doing so shall be recovered as a penalty before any Police Magistrate, in addition to a penalty not exceeding twenty shillings for not complying with the requisition of the said Commissioners.

Trees and hedges overhanging highways.

Cutting of trees
&c., overhanging.

30. The owner or occupier of lands next adjoining any highway shall plash, cut, or prune all trees and hedges which shall overhang such highway to the obstruction of passengers when thereto required by the Commissioners, inspector, superintendent or other person entrusted with the care, maintenance, or repair of the roads, or by any person acting under their authority; and every person who shall neglect to do so within ten days after being thereto required as aforesaid, shall, for each day after such notice, forfeit the sum of five shillings for such time as such trees or hedges shall remain unplashed, uncut, or unpruned; and when any cocoanut tree shall overhang a public road or street, so that the falling of the cocoa-nuts therefrom may endanger the safety of passengers, it shall be lawful for the Commissioners or chief person entrusted with the care, maintenance, or repair of the roads of the parish, to have the same cut down, making compensation to the owner for the loss thereby occasioned.

Grooming horses and leaving vehicles.

No grooming of
horses and washing
vehicles on.

31. If any person shall groom a horse on any of the highways, or leave the same tied thereon, or if any person shall clean any carriage, phaeton, chaise, gig, or other

vehicle of the like description on any of the highways, or leave the same thereon, or, if any person shall place any cart, waggon, or other vehicle of burthen across any highway for the purpose of loading or unloading the same, every such person shall incur a penalty not exceeding ten shillings.

Loading and unloading of carts, &c.

32. It shall not be lawful for any person to draw up and stop any waggon, cart, or other vehicle of burthen on any highway for a longer time than may reasonably be necessary for the unloading or loading of the same, nor shall it be lawful to take the horses or other animals from any such waggon, cart, or other vehicle of burthen, and to leave such waggon, cart, or other vehicle of burthen, in any such highway, and every person offending herein shall incur a penalty not exceeding ten shillings.

Reasonable time for loading or unloading only allowed.

Cattle straying on highways.

33. (1) If any horse, mule, or ass, sheep, goat, swine, or other beast or cattle of any kind, shall at any time be found straying, lying, grazing or being depastured on any highway, or on the sides thereof, any police officer or other person is hereby authorized to seize and impound every such horse, mule, ass, sheep, goat, swine, or other beast or cattle in the common pound (if any) of the parish or district where the same shall be found, or in such other place as the Police Magistrate or Commissioners of highways of the parish shall provide for that purpose, and the said horse, mule, ass, sheep, goat, swine, or other beast or cattle there to detain until the owner thereof shall for every such horse, mule, ass, or other beast or cattle so impounded, pay the sum of two shillings ;

Impounding of cattle straying or grazing on ; and driving or leading bulls &c., through Bridgetown.

and for every sheep, goat, or swine, the sum of one shilling, together with the amount of any damage done, and the reasonable charges and expenses for impounding and keeping the same, to the Police Magistrate of the parish, to be by him paid to the parochial treasurer for the use of the parish.

(2) In case the said penalty, damages, charges, and expenses, shall not be paid within seven days after such impounding (notice thereof being first given to the owner, if known), it shall be lawful for the said Police Magistrate to order every such horse, mule, ass, sheep, goat, swine, or other beast or cattle to be sold, and the money arising from such sale, after deducting such penalty, damages, charges, and expenses of impounding, keeping, and selling any such horse, mule, ass, sheep, goat, swine, or other beast or cattle, shall be paid to the owner, if known; but in case the owner shall not be known, and no application shall be made for the money arising from such sale within one month after such sale shall have taken place, the same shall be paid to the parochial treasurer for the use of the parish.

(3) If it shall appear to the satisfaction of the Police Magistrate that any such horse, mule, ass, sheep, goat, swine or other cattle so impounded escaped from any enclosure by the gate or fence thereof having been wilfully or negligently left open or destroyed by any person not being the owner of such enclosure, nor employed by such owner, or that it arose from mere accident and was not wilful, then and in such case the Police Magistrate may remit the penalty.

(4) No owner of any horse, mule, ass, sheep, goat, swine, or other beast or cattle impounded as aforesaid, shall in any case pay more than the sum of fifteen shillings over and above the damages, charges, and expenses of impounding and keeping the same, for any number of horses, mules, asses, sheep, goats, swine, or other beast or cattle impounded at any one time.

(5) If any horse, mule or ass, sheep, goat, swine, or other beast or cattle as aforesaid shall at any time be found straying, lying grazing or being depastured on any highway or on the sides thereof, and the same cannot be seized and impounded as aforesaid, it shall be lawful for any police officer or other person to prefer a complaint against the owner thereof (if known) to the Police Magistrate of the parish in which the animal or animals was or were found straying, lying, grazing or being depastured, and such owner shall on conviction be subject and liable to the like penalties, damages, and expenses, as if such horse, mule, ass, sheep, goat, swine or other beast or cattle had been actually seized and impounded.

(6) In case any person shall release or attempt to release any horse, mule, ass, sheep, goat, swine, or other beast or cattle which shall be impounded under the authority of this Act from the pound or place where the same shall be impounded, or in the way to or from any such pound or place, or shall pull down, damage, or destroy the pound or place, or any part thereof, or any lock or bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release any distress or levy which shall be

made, under the authority of this Act, until or before such horse, mule, ass, sheep, goat, swine or other beast or cattle seized or so impounded or such distress or levy so made shall be discharged by course of law, every person so offending shall forfeit and pay a sum not exceeding five pounds.

(7.) No bull, ox, or cow, except such as may be used for drawing any vehicle, shall be driven or led through any of the streets of the City of Bridgetown after the hour of eight o'clock in the morning, or before the hour of ten o'clock of the night of each day.

Driving of carts on highways

Regulations respecting the driving of carts on highways.

34. (1) If the driver of any cart, shall ride upon any such cart, or upon any horse, mule, or ass, drawing the same on any highway, not having some other person on foot or on horseback to guide the same (such carts as are usually driven with reins, and are conducted by some person holding the reins of the horse or horses, mule or mules or ass or asses, not being more than three, and the same driven abreast, drawing the same with efficient harness excepted);

(2) If any person shall sit on the tongue or on the shaft of any cart whilst such cart is proceeding along any highway;

(3) If the driver or rider of any vehicle, bicycle, or tricycle on any highway shall, by any negligence or wilful misbehaviour, cause any hurt or damage to any person, horse, cattle, or animal, or to any vehicle or goods conveyed in any vehicle, or otherwise passing or being upon such highway, or shall quit the same, and negligently or wilfully be at such distance from such vehicle, or in such situa-

tion whilst it shall be passing upon such highway that he cannot have the direction and government of the horses or cattle drawing the same, or shall leave any vehicle, bicycle, or tricycle on such highway, so as to obstruct the passage thereof ;

(4) If any person driving any vehicle or any horses, mules, or other beast of draught or burthen, meeting any other person or vehicle or horses, mules, or other beast of burthen, shall not keep the same on the left or near side of the highway ;

(5) If any person shall in any manner wilfully prevent any other person from passing him, or any vehicle or horses, mules, or other beast of burthen under his care upon such highway, or by negligence or misbehaviour, prevent hinder, or interrupt the free passage of any person, or vehicle or horses, mules, or other beast of burthen, on any highway ; or shall not keep his person or vehicle or horses, mules, or other beast of burthen, on the left or near side of the highway, for the purpose of allowing such passage to take place on the right or off side ;

(6) If any person driving any vehicle of burthen, shall wilfully put the horses, mules, or other beasts of burthen drawing the same beyond a walk ;

(7) If any person riding any horse or beast, or driving any vehicle of pleasure, shall ride or drive the same furiously, so as to endanger the life or limb of any passenger, or shall pass or turn any such horse, beast, or vehicle of pleasure, round the angle of any highway, or shall cross any highway at a rapid or dangerous pace ;

(8) If any person in charge of any vehicle of burthen, shall load or move the same in

*Police & Municipal Const:
to summon before mag.*

such a manner as to threaten or endanger the safety of any person travelling on any highway;

(9) If any person driving or riding any vehicle bicycle or tricycle after seven of the clock in the evening, and before five of the clock in the morning shall not have a lighted lamp affixed to such vehicle on the right of the front part of such vehicle, so as to be clearly visible to any person meeting such vehicle;

Every person so offending in any of the cases aforesaid and being convicted of any such offence before a Police Magistrate, shall, in addition to any civil action to which he may make himself liable, for every such offence, forfeit and pay a sum not exceeding two pounds, and every such person offending in either of the said cases, shall and may, by the authority of this Act, with or without any warrant, be apprehended by any police officer or other person who shall see such offence committed and shall be conveyed before any Police Magistrate, to be dealt with according to law; and if any such person shall refuse to discover his name, it shall and may be lawful for the said Police Magistrate before whom he shall be taken, or to whom any such complaint shall be made, to proceed against him for the penalty aforesaid, by a description of his person, and the offence only without adding any name or designation, but expressing in the proceedings that he refused to discover his name.

(10) In case the driver or other person in charge of any vehicle, whose name shall be unknown, shall violate any of the regulations

aforesaid, and such person may not be apprehended and taken into custody, it shall and may be lawful for any Police Magistrate, upon the complaint of any police officer or other person to summon the owner of any such vehicle, to come before him and disclose the name of the person who was driving or in charge of such vehicle, when the offence was committed, to the intent that such person may be proceeded against according to law, and in case the owner of any such vehicle, shall refuse to attend having been duly summoned, or attending, shall refuse to disclose or give the name of the person in charge of any such vehicle, as aforesaid, such owner shall be subject and liable to, and shall incur the like penalty as such driver or other person, if known, would have been subject and liable to, and such owner shall be convicted in like manner as if he himself had been actually driving or in charge of such vehicle.

(11) If the driver, or other person in charge of any vehicle shall, without permission of the owner of such vehicle, take up and convey therein any person or persons or any package or packages, the person so offending, shall, on conviction thereof before any Police Magistrate forfeit a sum not exceeding five shillings. And in case any dispute shall arise whether any such driver or other person in charge of any such vehicle, had permission from the owner thereof to take up, carry, and convey persons or packages therein, the proof thereof shall be on such driver or other person as aforesaid: Provided always that it shall not be lawful in any such case to examine on oath the party complained against.

(12) If any owner of mules shall suffer the same to be driven on and along any street or road in such numbers and in such manner as to endanger the safety of passengers, he shall forfeit the sum of twenty shillings, and such owner shall also be liable to make good any damage done to any person or property by any such mule or mules, to be recovered as penalties under this Act, for the use of the party injured. Provided always that the damages to be awarded to any one complainant under this clause, shall not exceed the sum of five pounds. And provided also that the party aggrieved shall not proceed for the recovery of damages, both under the general law and under this section.

Shooting within 100 yards of highways.

No fire arms shall be discharged within 100 yards of, unless &c.

35. It shall not be lawful for any person to fire off or discharge any gun, pistol, or other fire-arms on any public road, or within one hundred yards of any public road, (except on some lawful and necessary occasion); and every person so offending, shall, on conviction thereof, on the complaint of any person before a Police Magistrate be liable to a penalty not exceeding twenty shillings and eight pence.

Exploding fireworks, &c.

No fire works shall be exploded on, or within 30 yards of, and no fire balloons shall be sent up.

36. (1) If any person shall throw, fire, or explode, or cause or permit to be thrown fired, or exploded, any squib, serpent, crack-er, or other firework, or any detonating or explosive substance from or out of any house, out-house, warehouse, balcony, yard,

or elsewhere into or upon any street, lane, alley, highway, road, or public thoroughfare :

(2) If any person shall fire, throw, or explode any squib, serpent, cracker, or other firework, or any detonating or explosive substance, in or upon any street, lane, alley, highway, road, or public thoroughfare, or within thirty yards thereof,

Such person on being convicted of any such offence before any Police Magistrate shall, in addition to any civil action to which he may make himself liable, forfeit and pay for every such offence a sum not exceeding fifty pounds.

(3) Every such person offending as aforesaid shall and may, by authority of this Act, with or without any warrant, be apprehended by any police officer or other person who shall see such offence committed, and shall be conveyed before any Police Magistrate to be dealt with according to law : And if any such person shall refuse to discover his name, it shall and may be lawful to proceed against him for the penalty aforesaid by a description of his person, and the offence only, without adding any name or designation but expressing in the proceedings that he refused to discover his name :

(4) In case the person shall at the time of committing the offence have been in any house, balcony, warehouse, outhouse, or yard, and whose name shall not be known, and such person may not be apprehended and taken into custody, it shall and may be lawful for any police officer or other person to summon the owner or occupier of such house, balcony, warehouse, outhouse, or yard where the offence was committed, to

the intent that such person may be proceeded against according to law: And in case the owner or occupier of such house, outhouse, warehouse, or yard shall wilfully refuse to disclose or give the name of the person who committed the offence, such owner or occupier, unless he can prove he was not on the premises at the time of the commission of the offence, or that he was unable to discover his name, shall be subject and liable to, and shall incur the like penalty as such person if known would have been subject and liable to, and shall be fined in like manner as if he himself had been actually the offender.

(5.) Whoever shall wilfully discharge or cause to ascend into the open air any balloon which is kept afloat in the air by means of fire burning in or attached to such balloon may be apprehended by a police constable and taken before a police magistrate or may be proceeded against by any person before such police magistrate by way of complaint, and shall on conviction before such police magistrate be liable to a penalty not exceeding ten pounds.

PART III.

MARKING OF CARTS DRIVEN ON HIGHWAYS.

Carts how marked.

All carts shall before being driven on a highway, be marked in the manner set forth in this section.

37. (1) The owner of every cart before it shall be driven or used on any highway shall paint or cause to be painted in one or more horizontal lines upon some conspicuous part of the front or of the right or off side of such cart, or on a board or plate to be securely affixed to the cart by nails or screws a number corresponding to the;

number of his license, his christian name or the initials thereof, and his surname, or the style or title by which he is commonly designated, and the name of his plantation or a full description of the situation of the place where he shall carry on his business or trade, or of the place of his abode or (if there shall be more than one owner of such cart the name and description aforesaid of the principal owner of such cart, or in case of a firm or incorporated or registered company the name or style of such firm or company owning such cart) in large legible letters in white upon black or other dark ground, or black upon white or other light ground, of not less than two inches in height, and of a proper and proportionate breadth, and continue to keep the same thereupon so long as such cart shall be used upon any highway, and all such numbers names and descriptions shall be re-painted or renewed in like manner from time to time as often as the same or any part thereof shall become obliterated or defaced, and every owner of any cart who shall use or allow the same to be used on any highway without the number, names and description painted or affixed thereon as aforesaid or who shall suffer the same to become illegible, shall, on conviction for every such offence, incur a penalty not exceeding fifty shillings.

(2.) Whoever shall paint or cause to be painted any false or fictitious number, name or place of business, trade, or abode on such cart, board, or plate shall on conviction be liable to a penalty of five pounds.

Procedure if owner unknown.

38. If any person shall drive or use or Cart improperly

F—1.

marked may be
seized &c.

cause to be driven or used on any highway any cart which shall not have duly painted thereon the number, names and description in the manner directed as aforesaid and the owner thereof be not known, it shall be lawful for any person to take and seize such cart and any article therein and any animal drawing the same, and to carry or cause the same to be carried to the nearest and most convenient police station for safe custody there to be detained and kept until the owner thereof shall be known so that he may be proceeded against for such offence, and if any person shall resist or obstruct the same being carried to such police station such person shall on conviction for every such offence, incur a penalty not exceeding fifty shillings.

*Penalty on driver (not being owner) of
unmarked cart.*

39. Every person who (not being the owner of any cart, or not being the servant of such owner) shall drive or use or cause to be driven or used in or upon any highway any cart without the number, names and description painted thereon in the manner hereinbefore directed shall on conviction for every such offence incur a penalty not exceeding fifty shillings.

Concealing mark.

40. If any driver or other person in charge of any cart which shall be on any highway shall hide from view either with his person or with any article whatsoever the number, names and description hereinbefore required to be painted on any cart so

Penalty for con-
cealing marks on
cart.

that the same cannot be distinctly seen, every such driver or other person shall on conviction for every such offence, incur a penalty not exceeding fifty shillings.

When exempt from penalty.

41. If any person against whom any complaint shall have been preferred shall prove to the satisfaction of the Police Magistrate hearing such complaint that any cart in respect of which any complaint shall have been made had painted thereon the number, names and description required to be painted thereon at the time when such cart last left the plantation or place of the owner or driver thereof, and that through some accident or by no neglect or default of such person any board or other material on which such number, names and description were painted was lost, such persons shall be exempt from any penalty under this Act.

Exemption from penalty.

PART IV.

HIGHWAY FUND.

Grants in aid.

42. The money raised and granted by this Act shall form a fund to be called the Highway Fund, and in case of St. Michael shall be kept by the Commissioners of Health separate and distinct from the moneys raised for sanitary purposes, and which shall in like manner be called the Sanitary Fund, and separate and distinct accounts shall be kept of each of these two funds, and it shall not be lawful to charge or allow to be charged the one fund with any expenditure effected or incurred under and for the proper purposes of the other, or to

Highways funds how kept &c.

appropriate or apply, or allow the appropriation or application of any part of the moneys of either of such funds to any other use or purpose than those for which they were raised, granted, or intended respectively, under a penalty not exceeding twenty pounds for every offence therein, to be recovered from the said Commissioners or other persons offending, and in case of improper charge, appropriation or application as aforesaid, a further penalty equal to the full amount so improperly charged or allowed to be charged, appropriated or applied, to be recovered as a penalty under this Act for the uses of the fund in respect of which such offence shall have been committed.

Grants from treasury in aid.

43. In aid of the funds provided for road purposes, annual grants shall be made from the public treasury, as follows :

To the rural portion of the parish of Saint Michael ...	£1000
To the City of Bridgetown...	1000
To the parish of Saint George	800
To the parish of Saint Thomas	350
To the parish of Saint James	350
To the parish of Saint Joseph	350
To the parish of Saint Andrew	350
To the parish of Christ Church	350
To the parish of Saint Peter...	250
To the parish of Saint Philip	250
To the parish of Saint John...	200
To the parish of Saint Lucy...	200

Such grants to be paid to the Commissioners of highways of the respective parishes and the City of Bridgetown entitled to the same,

on warrants of the Governor-in-Executive Committee; Provided always, nevertheless, that no grant shall be received from the treasury, until the money raised under the previous year's assessment shall have been expended.

Tax on lands or messuages.

44. (1.) Every person who on the first day of January in any year shall be the owner of any land assessed by the acre by the vestry of any parish shall some time in such month notify to the Parochial Treasurer of the parish the quantity of such land owned by him.

Annual return by owner of all lands assessed by the acre and all persons liable to pay parochial rates shall pay a highway rate of nine pence per acre or one penny half-penny in the pound on the annual value; and remission taxes.

(2.) Every person who in any year shall be assessed by the vestry of any parish in respect of the ownership of any land or messuage, and shall be liable to pay parochial taxes in respect of such land or messuage, shall in each such year pay to the parochial treasurer of the parish a highway tax in respect of such land or messuage at the rate of nine pence for each acre of land, and one penny half-penny in the pound on the annual rent or value of such messuage; and where any person is the owner of land and a house or houses thereon or thereto belonging the tax aforesaid shall not be paid on both the land and the house or houses, but the tax shall be paid either on the land or on the messuage thereto belonging, whichever shall afford the largest tax, such tax on lands and messuages to be regulated by the annual assessment for general parochial purposes made by the vestry of the parish, but if there be a failure in the parish for want of a vestry or otherwise in making such annual assessments, the tax shall be regulated by the last assess-

ment duly made in the parish for general parochial purposes.

(3.) Such highway tax shall be paid by such person at the time and in the manner, and subject to the conditions, so far as the same may be applicable, at, in and subject to which the parochial tax shall be payable; and shall be demanded and recovered by the parochial treasurer in the manner and subject to the rights, obligations, and conditions, affecting parochial taxes.

(4.) The Vestry of each parish are hereby authorised and may, in their discretion, remit in whole or in part any highway tax payable in respect of such land or messuage.

License to keep vehicles or animals.

Annual license for keeping of vehicle or taxable animal. 45. (1) Every person who on the first day of January in any year shall have been the owner of any vehicle or taxable animal shall some time during the said month of January pay to the Parochial Treasurer of the parish in which such person resides the following taxes, namely ;

For each wheel of each vehicle—two shillings and sixpence.

For each horse.....six shillings.

For each mule...three shillings and nine pence.

For each ass.....two shillings

and shall receive from such parochial treasurer who is hereby required to give the same, a license in the form in schedule A to this Act annexed, to keep vehicles or taxable animals specified in such license until the thirty first day of December following, and also a metal label for each vehicle mentioned in such license, which label shall have

stamped on it the name of the parish and a number corresponding to the number written on the license; and every person who shall have become the owner of any vehicle or taxable animal between the first day of January of any year, and the first day of January of the next succeeding year, shall within fourteen days after becoming the owner thereof pay to the parochial treasurer the taxes aforesaid, and receive such license and label as aforesaid.

(2.) If the parochial treasurer does not know the person in whose name application for a license to keep a vehicle or taxable animal is made, he may decline to grant such license until he is satisfied that such person is of such age and in such condition as to be responsible and liable for the obligations imposed by this Act on the holder of a license.

Parochial treasurer may decline to grant a license to an unknown person.

(3.) The person occupying the dwelling house, stable, store, or other building or place in or at which any vehicle or taxable animal is accustomed to stay or be kept, shall be deemed to be the owner of such vehicle or taxable animal, unless such person shall furnish satisfactory evidence to the contrary.

Who to be deemed the owner.

(4.) Every person to whom a license to keep a vehicle shall have been issued shall firmly affix, in the case of vehicles of burden then to the mark board, and, in the case of other vehicles to the axle, or the axle behind if more than one, or some other conspicuous place the metal label abovementioned, and shall on request by any parochial treasurer, police constable, or sworn constable shew such label; every person who shall fail to comply with either

Metal label to be affixed to each vehicle &c.

On request driver
to state name and
address of owner.

Penalty for not
having license.

Exemption.

Recovery of pen-
alties under this
section.

of the provisions of this sub-section shall be liable to a penalty not exceeding five pounds.

(5.) Every person driving or riding any vehicle or taxable animal shall on request by any parochial treasurer, police constable, or sworn constable state the full name and address of the owner of such vehicle or taxable animal ; and any person as aforesaid who shall refuse to state the name and address of the owner shall be liable to a penalty not exceeding five pounds and may be apprehended without warrant and taken to the police station ; and every person who shall give any false name or address shall be liable to a penalty of five pounds.

(6.) Any person who shall keep any vehicle or taxable animal without having obtained a license to keep such vehicle or animal, as required by this section, shall be liable to a penalty of one pound in respect of each vehicle or taxable animal kept.

(7.) The officers of the British army or navy on full pay, the colonial Government in respect of vehicles or taxable animals belonging to such Government, and all traders in respect of vehicles or taxable animals imported for purposes of sale shall be exempt from the operation of this section.

(8) All offences and penalties under this section may be prosecuted and recovered in a summary manner before a police magistrate on the complaint of the parochial treasurer of the parish in which the defendant resides, and all penalties shall be paid one third to the complainant, one third to the person on whose information the offender was convicted, and the residue to the parochial treasurer of the said parish for the uses of the highways of such parish.

(9.) The parochial treasurers of the several parishes shall publish in the Official Gazette in the month of February in each year, the names and addresses of all persons to whom licenses to keep any vehicle or taxable animal shall have been issued; and shall at the end of each following month publish the names and addresses of persons to whom such licenses have been issued during the last preceding month; and a copy of each Gazette containing the names of such persons shall be kept at each police station, and at each parochial treasurer's office, in such place as shall be accessible to any person desiring to inspect the same, and the parochial treasurers of the several parishes are hereby authorised to obtain as many printed lists as they may desire, of the names and addresses of such persons for distribution among the police and sworn constables of their respective parishes, and pay for the same out of the highway funds.

Publication annual of persons to whom licenses issued.

(10.) The parochial treasurer of any parish if he has reason to believe that any person is keeping a vehicle or taxable animal without a license may prefer a complaint to that effect before a police magistrate, who shall summon such person and examine him on oath or affirmation touching the matter in issue which oath or affirmation such person shall make, and if such person shall on examination make a false statement wilfully, he shall be liable to be prosecuted for perjury.

Examination before a magistrate of a person suspected of breaking the provisions of this section.

Payment of taxes on land under control of Court of Chancery or Provost Marshal.

46. (1.) In all cases in which any plantations, houses, lands or properties in this Island which are or shall be ratable in property under

Provision for payment of taxes on property under

Court of Chancery
&c.

respect of highway taxes shall be or have been before the passing of this Act, levied on by the Provost Marshal under any execution, and in cases of plantations, houses, and lands belonging to the estate of an insolvent trader the amount of any highway taxes due in respect of any such plantations, houses, lands or properties, and all future highway taxes which may accrue or be laid and become payable in respect thereof during any time such plantations, houses, lands or properties shall remain unsold in the said Provost Marshal's Office and Official Assignee's Office respectively, shall be a charge on the same prior and preferably to all other liens and demands affecting the same. And when any such plantations, houses, lands or properties shall be sold by the Provost Marshal or Official Assignee the amount of all such highway taxes shall be paid out of the purchase money thereof prior and preferably to any mortgages, judgments, executions or other liens against the property so sold; provided always and the Provost Marshal and Official Assignee shall be, and they are hereby respectively authorised from time to time to pay and allow the amount of any such taxes already due and which shall or may accrue due in respect of any plantations lands, houses or properties remaining unsold out of any moneys now in their hands or which may hereafter come to their hands out of or in respect thereof. In all cases in which plantations have been or shall be placed under the control of the Court of Chancery and no Receiver shall be appointed, all unpaid parochial rates and taxes shall be a first lien on the same until paid.

Owner when ex-

(2.) No owner whose plantation, house,

land, or property has been taken in execution or passed to the Official Assignee on bankruptcy shall be liable in respect of any highway taxes which have accrued or may accrue during the time such property remained under the control of the Provost Marshal or Official Assignee; provided always that should the execution be raised or abandoned, or the fiat of insolvency annulled, the liability of such owner in respect of such property shall revive.

empted from liability, in respect of taxes.

Parochial Treasurers to account.

47. The Parochial Treasurers shall once in every six months, or oftener if called upon for that purpose by the Commissioners of Highways for their respective parishes account to such Commissioners for all sums of money received by them under the authority of this Act, and they shall make quarterly returns to the said Commissioners of all moneys received by them for taxes, penalties, forfeitures, fines, and otherwise; and if any Parochial Treasurer shall neglect duly to enforce payment of all taxes which he is hereby authorised to collect for the uses of the highways, he shall for every such neglect forfeit a sum not exceeding two pounds, and if any Parochial Treasurer shall in any way misapply or divert any of the moneys received by him to any purpose whatsoever not authorised by this Act, he shall be liable in addition to any penalty or punishment to which he may otherwise by any law, be liable, to pay double the amount of the sums of money so misapplied or diverted by him.

Parochial Treasurers to account when called upon.

Remuneration of Parochial Treasurers.

48. The Parochial Treasurers shall be al-

Parochial Treasurers.

ers commission.

lowed as a remuneration for the duties required of them by this Act, other than the duty of prosecuting any offender, a commission at the rate of five pounds per cent, on all sums of money collected and received by them for the purposes of this Act, except on the sums granted from the public treasury.

Books of account.

Books of account. 49. The Parochial Treasurers shall, and they are hereby required to cause a book or books to be provided and kept, and true and regular accounts to be entered therein, of all sums of money received and disbursed for road purposes, and of the several articles, matters, and things, for which such sums of money shall have been so received and disbursed, which book or books shall on one day in the week to be fixed by the Commissioners, between the hours of ten and three o'clock, in the day time be open for the inspection of all persons rated in the said parish, or their legally constituted representatives, without fee or reward, and the said persons aforesaid or any of them, shall and may take copies of or extracts from the book or books or any part or parts thereof, without paying any thing for the same, and in case the Parochial Treasurers or clerk to the said Commissioners or other person with whom such book or books shall remain, shall on any reasonable demand refuse to permit, or shall not permit the said rate-payers or any of them as aforesaid, to inspect the said book or books, or to take such copies or extracts as aforesaid, such Parochial Treasurer, clerk, or other person as aforesaid, shall forfeit and

pay a sum not exceeding two pounds for every such offence.

Bond.

50. (1) The Parochial Treasurers shall, before entering upon the duties required of them by this Act, become bound by obligations in writing to Her Majesty, her heirs, and successors, as follows: that is to say— as respects the Parochial Treasurer for the parish of Saint Michael, himself in the sum of five hundred pounds, with two sufficient securities in the sum of two hundred and fifty pounds each; and as respects the Parochial Treasurer of each of the other parishes, himself in the sum of two hundred and fifty pounds, with two sufficient securities in the sum of one hundred and twenty-five pounds each: such securities to be approved by the respective Boards of Commissioners of the several parishes to which the said Parochial Treasurers belong; and the conditions of the said obligations shall be that the said Parochial Treasurers shall duly account with the Commissioners of highways of their respective parishes, for all sums of money received by them, when and as often as they shall be thereto required.

Parochial Treasurers Bond.

(2) The obligations to be entered into under this Act by the Parochial Treasurers, shall be lodged with the Public Treasurer of the Island, and remain in his office until the same shall be duly discharged; and in case of any breach in the condition of the said obligations the said Public Treasurer shall forthwith put the same in suit, and he is hereby authorized to pay all moneys necessary for prosecuting such suit, and shall pay the sums recovered to the order of

the Commissioners of Highways of the parish or city to which such obligation refers; and if the sums of money in default shall exceed the amounts of such obligations, the same shall be and remain as debts against the Parochial Treasurers, as the case may be, and the said Public Treasurer, shall proceed by action of debt to recover the amounts in excess of such obligations and pay the same over in manner as aforesaid.

Auditing of accounts.

Auditing of parochial treasurers accounts.

51. The Parochial Treasurer of every parish is hereby enjoined to use all due diligence in collecting the taxes aforesaid within the time limited for that purpose, and he shall on or before the fifteenth day of each month pay into the Colonial Bank to the credit of the respective Commissioners, all sums collected by him and then remaining in his hands, and send the bank receipt for each such payment countersigned by the Commissioners to the Auditor-General, and the said Auditor-General shall have full power and authority to call for and examine all books, accounts, and other vouchers of any Parochial Treasurer as he shall deem fit and necessary in the exercise of his duties; and if any Parochial Treasurer shall make default herein, he shall incur a penalty not exceeding ten pounds for each default.

Returns to House of Assembly.

Returns to House of Assembly twice in each year.

52. (1) The Parochial Treasurers of the respective parishes and of the City of Bridgetown, shall on the first day of April and the first day of October in each year, make an audited and certified return to the General

Assembly of all sums of money received and expended in their respective parishes, under the provisions of this Act, showing in such return the amount received as tax on rents, the number of acres of land, the number of horses, mules, asses and wheels, and the extent of road repaired, and in default thereof shall incur a penalty not exceeding ten pounds

(2) The Commissioners of highways of the several parishes are hereby authorised and required to appoint and pay an auditor to audit the highway accounts of their respective parishes.

Parochial Treasurers declining to act.

53. Should the Parochial Treasurer in any parish decline to take upon himself the duties required of him by this Act, or should he neglect, or refuse to give the required security the Commissioners of Highways of such parish or city, shall appoint some other fit and proper person to perform such duties; and the person so to be appointed shall enter into such obligation, and with such securities, as if he were the Parochial Treasurer, and he shall have the like powers and authorities and be entitled to the like commissions, and be subject to the like responsibilities as if he were the Parochial Treasurer; and the obligation entered into by him and his securities shall in every respect be dealt with as if entered into by a Parochial Treasurer.

Provision in case
parochial treasurer
declines to accept
duties imposed
by this Act.

PART V.

MISCELLANEOUS

Penalty for injury to highways.

54. If any person shall injure or obstruct a highway, he shall be liable to a penalty not exceeding five pounds for every offence.

alter or in any manner interfere with any highway, or with any milestone affixed on the side of any highway (except with the consent of the Commissioners of highways of the parish or city in which the same may be situate) such person shall be liable to a penalty not exceeding four pounds, and he shall also pay to the Parochial Treasurer of the parish whatever sum may be expended by the order of the Commissioners of the parish in removing or correcting such injury, obstruction, alteration or interference, which sum, if not paid within ten days after notice thereof shall be given to him or left at his usual place of abode by the said Parochial Treasurer shall be recovered in a summary manner as a penalty under this Act.

Disturbance on highways.

Disturbance on dispersing of mobs and indecent exposure of person on or near. 55. (1.) Any person who, on or near a highway or in any public place, or on any road over which the public are allowed to pass shall make use of obscene or indecent language, or shall blackguard, swear, quarrel or make or cause to be made any disturbance, or annoying noise, may be apprehended without warrant by a justice of the peace, police constable, or sworn constable, and shall be liable on conviction before the police magistrate of the district, to a fine not exceeding two pounds, or to imprisonment for any time not exceeding one month, with or without hard labour.

(2) Every justice of the peace, police constable, or sworn constable is hereby required to disperse all mobs in any of the highways or public places of this Island;

and if any person being in such mob, shall refuse to disperse on being required so to do, or shall use any threatening or insulting language to any justice of the peace, police constable, or sworn constable when required to disperse, it shall be lawful for every justice of the peace, police constable, or sworn constable to apprehend every such person without warrant, and such person on conviction before the Police Magistrate of the district, shall be liable to a fine not exceeding five pounds or imprisonment with or without hard labour for any term not exceeding three months.

(3) If any person shall by bathing in the sea, or in any river or pond indecently expose his person to the view of persons residing or passing near thereto, or if any person shall in any way indecently expose his person on or in the view of any highway, or public place he shall be liable to a penalty not exceeding twenty five shillings.

Implements

56. All carts, tools, implements and other things belonging to the highway departments of the several parishes, shall be kept by such persons as shall be appointed to receive the same by the Commissioners of highways of the said parishes authorized to carry this Act into operation. Custody of implements.

Tramways across highways.

57. It shall be lawful for the owner of any plantation to lay down tramways to facilitate the delivery of produce to and from the factory, and such tramway may be constructed subject to the provisions here- Tramways allowed to be laid across subject to conditions.

inafter mentioned across any public road. Section two, sections six to fifteen (both included) sections twenty one, thirty three, thirty four, thirty six, thirty eight, and forty, and sections forty two to forty five (both included) of "The Bridgetown Tramways Company, Limited, Act, 1891," shall be incorporated with this Act, and shall continue to be so incorporated, notwithstanding that such Act may be subsequently repealed, and the reference in the said sections to the Bridgetown Tramways Company, Limited, shall be deemed to apply to the owner aforesaid constructing the tramway. And the tramways authorized by this section across any public road shall be constructed and maintained subject to and in accordance with the provisions, regulations and restrictions contained in the same sections of the said Act: provided always that no tram car shall come to a stand still on any portion of the highways crossed by the tramway; and for every infringement of this proviso, the person or company owning the tramway shall be liable to a penalty not exceeding five pounds.

Power to require gas and water pipes to be moved &c.

Removal of gas
or water pipes.

58. Where for any purpose of this Act the said Commissioners deem it necessary to raise, sink or otherwise alter the situation of any water or gas pipes, mains, plugs or other water works or gas works, laid in or under any highway, they may, by notice in writing, require the owner of the pipes, mains, plugs or works to raise, sink or otherwise alter the situation of the same in such manner and within such reasonable

time as is specified in the notice; the expenses of or connected with any such alterations shall be paid by the said Commissioners; and if such notice is not complied with, at the expiration of four months from the date thereof, the said Commissioners may themselves make the alterations required; provided that no such alteration shall be required or made which will permanently injure any such pipes, mains, plugs, or works, or prevent the water or gas from flowing as freely and conveniently as usual.

Penalties.

59. Every person violating any of the provisions of this Act for which no penalty is by this Act expressly provided shall on conviction thereof, be liable to a penalty not exceeding five pounds. General penalty section.

60. All fines, forfeitures, and penalties imposed by this Act, for which no express provision is made by this Act, may be recovered in a summary manner before a Police Magistrate on the complaint of any person, and shall be paid one half to the informant and the other half to the parochial treasurer of the parish in which the same were incurred for the uses of the highways. Recovery and disposal of penalties.

Provision for carrying out this Act.

61. Such of the provisions of this act as are to be performed or carried out by Commissioners, Superintendents, Inspectors, or other persons entrusted with the care, maintenance or repair of the roads, shall, when there may not be any such persons duly appointed according to law, be performed and carried out by some proper person or persons, to be appointed by the vestry of the Provision for ensuring the carrying out of the provisions of this Act.

parish in which the same ought to be performed or carried out, anything hereinbefore contained to the contrary notwithstanding ; And the person or persons so to be appointed shall be reimbursed by the vestry all such expenses as shall be necessarily incurred in discharge of the same.

This Act not to interfere with provisions of Act of 29th December 1879.

62. This Act shall not be construed to interfere with, but shall be subject to the provisions of the Act of the twenty ninth day of December one thousand eight hundred and seventy nine, entitled " An Act to grant a loan to the Commissioners of highways for the rural portion of the parish of Saint Michael, to be repaid in annual instalments to be deducted from the annual legislative grants to the same Commissioners."

Act to come into operation on 1st January 1892, with exceptions.

63. This Act shall not come into operation until the first day of January one thousand eight hundred and ninety two, save and except sub-section five of section thirty six and section fifty seven thereof, which shall come into operation immediately on this Act passing.

Repeal.

64. The several Acts mentioned in schedule B to this Act are hereby repealed to the extent mentioned, provided that

(1.) Any rule, order, bye-law license certificate, bond or other contract now in force whether made under any enactment hereby repealed or not shall continue in force until otherwise provided ; and

(2.) Any officer appointed under any enactment hereby repealed shall continue and be deemed to have been duly appointed under this Act ; and

(3.) Any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this act or to the corresponding enactment in this Act.

(4.) This repeal shall not affect

(a) The past operation of any enactment hereby repealed nor any thing duly done or suffered under any enactment hereby repealed ; or

(b) any right, privilege, obligation or liability acquired, accrued, or incurred under any enactment hereby repealed ; or

(c) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactments hereby repealed ; or

(d) any investigation, legal proceeding or remedy in respect of any such right privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid ; and any such investigation legal proceeding and remedy may be carried on as if this Act had not passed ; or

(e) any Act in which the enactments hereby repealed have been applied, incorporated or referred to.

(5.) This repeal shall not revive any enactment, right, office, privilege, matter or thing not in force or existing at the passing of this Act.

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1891—C. 60.

SCHEDULE A.

(Sec. 45.)

LICENSE.

18

of

having paid me

the sum of

is hereby licensed to keep the vehicles with
the number of wheels and the taxable ani-
mals specified below until the thirty first day
of December next.

*[Here specify vehicles, and number of
wheels attached to each, and taxable animals.]*

SCHEDULE "B."

1891—C. 60.

Date of Act.	Title of Act.	Extent of Repeal.
6th March 1838.	An Act to punish in a summary manner persons indecently exposing themselves.....	The whole Act.
28th April 1845.	An Act to extend to certain days of public worship the provisions of an Act of this Island, entitled, "An Act the more effectually to prevent shooting upon Sundays," and to provide summary proceedings against persons who shall discharge fire arms on or near the public roads.....	
21st August 1849.	An Act to provide against obstructions and accidents on the highways, and to regulate the driving of vehicles thereon.....	Section 2. The whole Act.

SCHEDULE. B' continued.

Date of Act.	Title of Act.	Extent of Repeal.
14th November 1854.	An Act to grant a Salary to the Clerk of the Commissioners of roads for the rural portion of Saint Michael, and to provide an office for him.....	The whole Act.
13th August 1857.	An Act to repeal an Act relating to the throwing or firing of squibs, serpents or other fireworks, and to make other provision in lieu thereof.....	The whole Act.
27th December 1860.	An Act to remove doubts that have arisen under an Act entitled "An Act to grant a salary to the Clerk of the Commissioners of roads for the rural portion of Saint Michael's parish, and to provide an office for him.".....	The whole Act.
24th February 1864.	An Act to consolidate and amend the laws for the repair and improvement of the highways....	The whole Act.

SCHEDULE B continued.

Date of Act.	Title of Act.	Extent of Repeal.
21st December 1866.	An Act to amend the 14th clause of the Act, entitled "An Act to provide against obstructions and accidents on the highways, and to regulate the driving of vehicles thereon. ... An Act to exempt the Officers of Her Majesty's Army and Navy from the payment of taxes on their carriages and horses..... An Act to transfer to the Commissioners of roads for the City of Bridge-Town the powers vested in the Commissioners of the Burnt District under the Acts of the 8th August 1845, and 27th July 1847, so far as relates to the improvements in that portion of the City known as the Burnt District of 1845, and to grant a sum of money to the said Commissioners for widening the streets and opening a new street in the City of Bridgetown.....	The whole Act.
26th June 1867.	An Act to exempt the Officers of Her Majesty's Army and Navy from the payment of taxes on their carriages and horses.....	The whole Act.
28th October 1870.	An Act to transfer to the Commissioners of roads for the City of Bridge-Town the powers vested in the Commissioners of the Burnt District under the Acts of the 8th August 1845, and 27th July 1847, so far as relates to the improvements in that portion of the City known as the Burnt District of 1845, and to grant a sum of money to the said Commissioners for widening the streets and opening a new street in the City of Bridgetown.....	The whole Act.

SCHEDULE. B' continued.

Date of Act.	Title of Act.	Extent of Repeal.
25th March 1874.	An Act to consolidate and amend the laws relating to the Post Office in this Island.....	Section 10.
21st June 1878.	An Act to amend an Act, entitled "An Act to consolidate and amend the Laws for the repair and improvement of the highways,".....	
19th July 1880.	An Act to authorise the Commissioners of highways for the rural part of the parish of Saint Michael, to increase the salary of the Inspector of highways for that part of the said parish.....	The whole Act.
30th August 1880.	An Act to provide for digging and making wells, sucks, and dams in the gulleys and ravines in the parishes of Saint Joseph, Saint Thomas, Saint George and Saint Michael to take off the storm water which is now discharged from those gulleys and ravines after heavy rains, into the Carenage in the City of Bridgetown.....	The whole Act.
		The whole Act.

SCHEDULE B continued.

Date of Act.	Title of Act.	Extent of Peopal.
16th February 1881.	An Act to alter the law regulating the appointment of the health Commissioners for the parish of Saint Michael and the Commissioners of highways for the City of Bridge-town.....	
28th March 1882.	An Act to authorise and require the Commissioners of roads for the parishes of Saint James and Saint Peter respectively to take under their control and management a road leading from Lancaster plantation in the parish of Saint James to Rosehill plantation in the parish of Saint Peter.....	The whole Act.
9th May 1883.	An Act to declare the law with respect to the payment of parochial taxes and highway taxes on properties sold under the decree of the Court of Chancery of this Island and by the Provost Marshal.....	The whole Act.

SCHEDULE B continued.

Date of Act.	Title of Act.	Extent of Repeal.
23rd June 1884.	An Act to authorise the Vestry of the parish of Saint James in this Island to raise a loan to assist in constructing a bridge across the watercourse in that parish called "the Hole Town river.....	The whole Act.
16th October 1885.	An Act to amend an Act entitled, "An Act to consolidate and amend the laws for the repair and improvement of the highways.....	The whole Act.
1st June 1886.	An Act to regulate the marking of carts driven or used on any public highway.....	The whole Act.
22nd May 1889	An Act to declare that the officers of Her Majesty's Army and Navy are exempt from the payment of taxes on their carriages and horses.....	The whole Act.

(Assented to 4th July, 1891.)

BARBADOS.

An Act to consolidate and amend the Acts of this island relating to the Court of Chancery.

BE it enacted by the Governor, Council, and Assembly of this island, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as "The Chancery Act, 1891." Short title.

Interpretation.

2. In this Act, if not inconsistent with the context, the following expressions shall have the meanings hereinafter respectively assigned to them, namely ; Interpretation of terms

"master" shall mean the master for the time being of the court of chancery, or any officer of the court performing functions similar to those now performed by the said master ;

"decree" or "order" shall mean any decree, decretal order, or otherwise, of the court of chancery for this island established ;

"land" shall mean plantations, and real estate of any tenure whatsoever ;

"lien" or "liens" shall mean any mortgage, judgment, charge or other incumbrance whatsoever affecting land ;

"the court" shall mean the said court of chancery ;

"registrar" shall mean the registrar for

the time being of the said court of chancery or any person specially appointed to take the examination of witnesses in any suit depending in the court of chancery.

“the vice chancellor” shall mean the vice chancellor for the time being of the said court of chancery.

CONSTITUTION AND JURISDICTION OF COURT.

Vice Chancellor.

The Chief Judge to be vice-chancellor.

Proceedings to bear teste in the name of the vice-chancellor.

3. The chief judge of Barbados shall be vice-chancellor of Barbados, for the discharge of the judicial functions of the chancellor of this island.

4. All writs, petitions, bills, proceedings, and process of any kind, in the court of chancery shall be filed and issued and bear teste in the name of the vice-chancellor of Barbados for the time being.

Jurisdiction

Vice-chancellor to discharge judicial functions of chancellor.

5. The vice-chancellor of Barbados shall discharge the judicial functions of the chancellor of this island, and shall have full power to hear and determine all causes, matters, and things which are or shall be at any time depending in the court of chancery in this island, either as a court of law or a court of equity, or incident to any ministerial office of the said court, or which shall have been or shall be submitted to the jurisdiction of the said court, by the special authority of any Act of this island ; and all decrees, orders and acts of such vice chancellor, so made or done shall be deemed and taken to be respectively, as the nature of the case may require, decrees, orders, and acts of the said court of chancery, or of such incident juris-

diction as aforesaid, or under such special authority as aforesaid, and shall have force and validity and be executed accordingly.

6. It shall not be lawful for the said court of chancery, in any cause or matter, to direct a case to be stated for the opinion of any court of common law, but the said court of chancery shall have full power to determine any questions of law which, in the judgment of the said court of chancery shall be necessary to be decided previously to the decision of the equitable question at issue between the parties.

7. In all cases in which any relief or remedy within the jurisdiction of the court is, or shall be, sought in any cause or matter instituted or pending in the court, and whether the title to such relief or remedy be or be not incident to or dependent upon a legal right, every question of law or fact cognisable in a court of common law, on the determination of which the title to such relief or remedy depends, shall be determined by or before the said court. The court shall have the same powers for summoning a jury, and summoning and examining witnesses, as are possessed by the court of common pleas of this island; and whenever it shall appear to the court that any question of fact may be more conveniently tried by a jury, it shall be so tried by a jury before the court itself; provided, that in all cases in which the object of any suit in equity shall be to recover, or to defend, the possession of land under a legal title, or under a title which would have been legal but for the existence of some outstanding term, lease or mortgage, (and whether mesne profits or damages shall or shall not also be sought

No cases to be referred to a court of common law for opinion.

Court required to determine every question of law or fact incident to the relief sought.

in such suit) such relief only shall be given in equity as would have been proper according to the rules and practice of the court, if this Act had not been passed, and nothing in this Act shall make it necessary for a court of equity to grant relief in any suit concerning any matter as to which a court of common law has concurrent jurisdiction, if it shall appear to the court that such matter has been improperly brought into equity, and that the same ought to have been left to the sole determination of a court of common law.

Court may obtain assistance of accountants &c.

8. (1.) It shall be lawful for the court in such way as it may deem fit, to obtain the assistance of accountants, merchants, engineers, actuaries, or other scientific persons the better to enable such court or judge to determine any matter at issue in any cause or proceeding, and to act upon the certificate of such persons.

(2.) The allowances to such accountants, merchants, engineers, actuaries and other scientific persons shall be regulated by the taxing master of the court subject to an appeal to the vice chancellor, whose decision shall be final.

Rules and orders.

Court to make rules and orders for regulating procedure &c.

9. The proceedings and practice of the court of chancery shall be regulated by the rules and practice now in force, and it shall be lawful for the vice chancellor to make such alterations in the practice of the court as shall appear to him to conduce to the more effectual administration of justice therein respectively, and the vice chancellor is hereby required from time to time to make general rules and orders for carrying

the purposes of this Act into effect, and for regulating the times and form and mode of procedure, and generally the practice of the said court in respect of the matters to which this Act relates, and for regulating the fees and allowances to all officers of the court and solicitors thereof in respect of such matters, and so far as may be found expedient for altering the course of proceeding hereinbefore prescribed in respect to the matters to which this Act relates, or any of them, and such rules and orders may from time to time be rescinded or altered by the like authority, and all such rules and orders shall take effect as general orders of the court.

Docket of fees.

10. The vice-chancellor shall be and he is hereby authorized to make, alter, or revoke as often as he may deem it expedient so to do, a docket of fees to be taken and allowed in all causes and proceedings in the said court by the solicitors, and officers of the said court, and to give costs in all causes to the party succeeding when it shall seem just to him to do so, save when by any act of this island costs are specially provided for or limited.

Court to establish a docket of fees.

Sitting in chambers.

11. The vice-chancellor when sitting in chambers shall have the same power and jurisdiction in respect of the business to be brought before him as if he were sitting in open court.

Jurisdiction of vice-chancellor in Chambers.

12. All orders of the vice-chancellor, made by him at chambers, shall have the force and effect of orders of the court, and such orders may be signed and filed with the registrar in like manner.

Effect of orders made in chambers.

Business to be disposed of in chambers.

13. The business to be disposed of by the vice chancellor, while sitting at chambers, shall consist of such of the following matters as the vice chancellor shall from time to time think may be more conveniently disposed of in chambers than in open court, namely, applications for time to plead, answer or demur, for leave to amend bills or claims, for enlarging publications; applications for the production of documents, and such other matters as are now disposed of by the vice chancellor in chambers.

Vice-chancellor may adjourn from court to chambers, and vice versa.

14. It shall be lawful for the vice chancellor, when sitting in open court, to adjourn, for consideration in chambers any matter which, in his opinion, may be more conveniently disposed of in chambers, or when sitting in chambers to direct any matter to be heard in open court, which he may think ought to be so heard.

Mode of proceedings in chambers.

15. The mode of proceedings before the vice chancellor at chambers shall be by summons, and as near as may be according to the form now adopted by the chief judge of the court of common pleas of this island when sitting at chambers.

Appeal.

Appeal to Windward Islands court of appeal.

16. An appeal shall lie from all judgments, decrees, or orders of the vice-chancellor in the manner declared in the Act or Acts establishing a court of appeal for Barbados and the Windward Islands.

THE BILL : SERVICE AND CONSEQUENT PROCEEDINGS.

Written authority for filing bill by next friend.

Next friend of

17. Before the name of any person shall

be used in any suit to be instituted as next any infant &c., to friend of any infant, married woman or sign authority. other party, or as relator in any information, such person shall sign a written authority to the solicitor for that purpose, and such authority shall be filed with the bill or information.

Nature and form.

18. Every bill of complaint to be filed in the said court shall contain, as concisely as may be, a narrative of the material facts, matters, and circumstances on which the plaintiff relies, such narrative being divided into paragraphs numbered consecutively, and each paragraph containing as nearly as may be a separate and distinct statement or allegation, and shall pray specifically for the relief which the plaintiff may conceive himself entitled to, and also for general relief; but such bill shall not contain any interrogatories for the examination of the defendant, if the plaintiff shall not require the answer of the defendant.

Bills to contain concise narrative of material facts in paragraphs.

Parties: Misjoinder, &c.

19. It shall not be competent to any defendant in any suit in the said court to take any objection for want of parties to such suit, in any case to which the rules next hereinafter set forth extend, and such rules shall be deemed and taken as part of the law and practice of the said court,

No objection to be taken for want of parties in following cases.

Rule 1.—Any residuary legatee, or next of kin, may, without serving the remaining residuary legatees, or next of kin, have a decree for the administration of the personal estate of a deceased person.

Rule 2.—Any legatee interested in a legacy charged upon real estate, and any person interested in the proceeds of real estate directed to be sold, may, without serving any other legatee or person interested in the proceeds of the estate, have a decree for the administration of the estate of a deceased person.

Rule 3.—Any residuary devisee, or heir may, without serving any co-residuary devisee or co-heir, have the like decree.

Rule 4.—Any one of several cestuique trust under any deed or instrument may, without serving any other of such cestuique trust, have a decree for the execution of the trusts of the deed or instrument.

Rule 5.—In all cases of suits for the protection of property pending litigation and in all cases in the nature of waste, one person may sue on behalf of himself and of all persons having the same interest.

Rule 6.—Any executor, administrator, or trustee may obtain a decree against any one legatee, next of kin or cestuique trust, for the administration of the estate or the execution of the trust.

Rule 7.—In all the above cases the court, if it shall see fit, may require any other person or persons to be made a party or parties to the suit, and may, if it shall see fit give the conduct of the suit to such person as it may deem proper, and may make such order in

any particular case as it may deem just for placing the defendant on the record on the same footing in regard to costs as other parties having a common interest with him in the matters in question.

Rule 8.—In all the above cases the persons who, according to the present practice of the court, would be necessary parties to the suit, shall be served with notice of the decree, and after such notice they shall be bound by the proceedings in the same manner as if they had originally been made parties to the suit, and they may, by an order of court, have liberty to attend the proceedings under the decree; and any party so served may, within such time as shall in that behalf be prescribed by the general order of the said court, apply to the court to add to the decree.

Rule 9.—In all suits concerning real or personal estate which is vested in trustees, under a will, settlement or otherwise, such trustees shall represent the persons beneficially interested under the trust in the same manner and to the same extent as the executors or administrators in suits concerning personal estate represent the persons beneficially interested in such personal estate; and in such cases it shall not be necessary to make the persons beneficially interested under the trusts parties to the suit; but the court may, upon consideration of the matter on the hearing, if it shall so think fit, order such

persons or any of them to be made parties.

No cause to be set down merely on objection for want of parties to a suit.

Court may proceed in any suit without a representative, or may appoint one.

20. No cause shall be set down merely on an objection for want of parties to a suit.

21. If in any suit or other proceeding before the court it shall appear to the court that any deceased person who was interested in the matters in question has no legal personal representative, it shall be for the court either to proceed in the absence of any person representing the estate of such deceased person, or to appoint some person to represent such estate for all the purposes of the suit or other proceeding, on such notice to such person or persons, if any, as the court shall think fit, either specially or generally by public advertisements; and the order so made by the said court, and any orders consequent thereon shall bind the estate of such deceased person in the same manner in every respect as if there had been a duly constituted legal personal representative of such deceased person, and such legal personal representative had been a party to the suit or proceeding, and had duly appeared and submitted his rights and interests to the protection of the court.

Suit not to be dismissed for misjoinder, but court may modify its decree.

22. No suit in the said court shall be dismissed by reason only of the misjoinder of persons as plaintiffs therein: but whenever it shall appear to the court that, notwithstanding the conflict of interest in the co-plaintiffs, or the want of interest in some of the plaintiffs, or the existence of some ground of defence affecting some or one of the plaintiffs, the plaintiffs, or some or one of them, are or is entitled to relief, the court

shall have power to grant such relief, and to modify its decree, according to the special circumstances of the case, and for that purpose to direct such amendments, if any, as may be necessary, and at the hearing before such amendments are made, to treat any one or more of the plaintiffs as if he or they was or were a defendant or defendants in the suit, and the remaining or other plaintiff or plaintiffs was or were the only plaintiff or plaintiffs on the record; and where there is a misjoinder of plaintiffs and the plaintiff having an interest shall have died, leaving a plaintiff on the record without an interest, the court may, at the hearing of the cause, order the cause to stand revived as may appear just and proceed to a decision of the cause, if it shall see fit and to give such directions as to costs or otherwise as may appear just and expedient.

23. In any suit in the Court of Chancery against the estate of a deceased person in which such estate is represented by an administrator appointed by the Court of Ordinary for the sole and express purpose of that suit, if the executor or executors capable of acting as such shall return to and reside within this island pending such suit, such executor or executors shall be made party to such suit and the costs incurred by granting such administration and by proceeding in such suit against such administrator shall be paid by such person or out of such fund as the said court shall direct.

Executor returning to the island after administrator appointed for purposes of suit to be joined.

Proceedings in default of appearance.

24. If in any suit which hath been or hereafter shall be commenced in the court of chancery, any defendant against whom any

Proceedings in default of appearance, when defendant

ant beyond seas and subpoena or other process shall issue, shall not cause his appearance to be entered upon such process, within such time and in such manner as, according to the rules of the court, the same ought to have been entered in cases such process had been duly served and an affidavit shall be made to the satisfaction of such court;

(1.) that such defendant is beyond the seas; or

(2.) that upon inquiry at his usual place of abode he could not be found, so as to be served with such process, and that there is just ground to believe that such defendant has left this island, and in either of such cases also that such defendant is not represented in this island by any solicitor or by any attorney, constituted by power of attorney recorded in the Colonial Secretary's office; then and in such case the court may in its discretion either require the plaintiff to proceed under the following section of this Act or make an order directing and appointing such defendant to appear at a certain day therein to be named; and a copy of such order shall, within fourteen days after such order made, be published by notice in writing, to be put up on the doors of the office of the registrar in chancery, and also inserted in the Official Gazette; and if the defendant does not appear within the time limited by such order, or within such further time as the court shall appoint, then, on proof made of such publication of such order as aforesaid by affidavit, to be filed with the registrar of the said court, the court may order the plaintiff's bill to be taken *pro confesso*, and make such decree thereupon as shall be

thought just; and such decree may be carried into effect and enforced as if such defendant had appeared at the hearing and consented thereto; provided always that service of any subsequent proceeding or of notice thereof on such defendant shall be unnecessary.

25. (1.) If in any case it be made to appear to the court that the plaintiff is from any cause unable to effect prompt personal service of any subpoena or other process, the court may make such order for substituted or other service within the jurisdiction or for service out of the jurisdiction thereof, or for the substitution for service either within or out of the jurisdiction of notice by advertisement or otherwise as may be just.

Substituted service, or service out of the jurisdiction.

(2.) Every application to the court under the last preceding sub-section shall be supported by an affidavit setting forth the grounds upon which the application is made, in what place or country the defendant is or probably may be found, whether such defendant is represented here by a solicitor or duly constituted attorney or agent and whether such defendant is a British subject or not, and also stating that in the belief of the deponent the plaintiff has a good cause of action.

(3.) Any order made under this section shall limit a time after such service or notice as therein specified within which the defendant is to enter an appearance such time to depend on the place or country where or within which the defendant is supposed to reside and on the place or country where or within which the service is to be made or the notice given, and shall also specify the service or notice in lieu of service which is

allowed and the mode in which such service is to be effected or such notice given.

(4.) If an appearance is not entered within the time limited by any such order as aforesaid the court may on being satisfied that the provisions of this section have been complied with either order the plaintiffs bill to be taken pro confesso or may order the plaintiff to prove such of the statements therein contained as to the court shall appear necessary or expedient, and on the bill being taken pro confesso or such proof being given, the court may make the same decree as it would have made if the defendant had appeared to and answered the said bill, and such decree may be carried into effect and enforced as if the defendant had appeared at the hearing and consented thereto; provided always that service of any subsequent proceeding or of notice thereof on such defendant shall be unnecessary.

Court may proceed if a trustee defendant cannot be served, as if he had been served.

26. (1) Where in any suit commenced or to be commenced in the Court of Chancery it shall be made to appear to the court by affidavit that diligent search and enquiry has been made after any person made a defendant who is only a trustee, to serve him with the process of the court and that he cannot be found, it shall be lawful for the court to hear and determine such cause and to make such absolute decree therein against every person who shall appear to it to be only a trustee and not otherwise concerned in interest in the matter in question in such and the same manner as if such trustee had been duly served with the process of the court and had appeared and filed his answer thereto, and had also appeared by his coun-

sel and solicitor at the hearing of such cause; provided always that no such decree shall bind, affect or in any wise prejudice any person against whom the same shall be made without service or process upon him as aforesaid, his heirs executors or administrators for or in respect of any estate, right or interest which such person shall have at the time of making such decree for his own use and benefit or otherwise than as a trustee as aforesaid.

(2.) The power conferred on the court by this section shall be in addition to and shall not prevent the exercise in any case of the powers conferred by the two last preceding sections.

After appearance, notices served on defendant's solicitor.

27. After appearance by a solicitor for a defendant, all notices of motion and all other proceedings in the cause shall be served on such solicitor by the plaintiff or his solicitor, and there shall be no filing of written motions in the registrar's office. Proceedings served on defendant's solicitor after appearance.

Production of documents by defendant.

28. It shall be lawful for the court, or for the vice-chancellor at chambers, upon the application of the plaintiff in any suit, whether the defendant may or may not have been required to answer the bill, or may or may not have been interrogated as to the possession of documents, to make an order for the production by any defendant upon oath, of such of the documents in his possession or power relating to matters in question in the suit, as the court shall think right; and the court or vice chancellor may deal with such documents. Court may order defendant to produce documents.

ments when produced in such manner as shall appear just.

THE DEFENCE.

Answer, plea, or demurrer.

Defendants although not required, may answer within time allowed for demurring but not after without leave.

29. Whether the plaintiff in any suit in the said court commenced by bill does or does not require any answer from the defendant or any one or more of the defendants to the bill, such defendant or defendants may, without any leave of the court, put in a plea, answer, or demurrer, to the plaintiff's bill within the time now allowed or within such other time as shall be hereafter fixed by any general order of the said court in that behalf; but after that time a defendant or defendants not required to answer the plaintiff's bill shall not be at liberty to put in a plea, answer, or demurrer to the bill without leave of the court: provided the power of the court to grant further time for pleading, answering, or demurring to any bill upon the application of any defendant or defendants thereto, whether required to answer the bill or not, shall remain in full force, and shall not be in anywise prejudiced or affected; provided also, that if the court shall grant any further time to any defendant for pleading, answering, or demurring to the bill, the plaintiff's right to move for a decree under the provisions hereinafter contained shall in the meantime be suspended.

Nature and form.

Answer may contain material statements.

30. The answer of any defendant to any bill of complaint may contain such statements material to the case as the defendant may think it necessary or advisable to set

forth therein, and such answer shall also be divided into paragraphs numbered consecutively, each paragraph containing as nearly as may be, a separate and distinct statement or allegation.

Filed without oath.

31. Pleas, answers, disclaimers, or examinations whether taken by commission, out of the jurisdiction of the said court or otherwise, may be filed without the oath of a messenger, and any alterations made therein previously to the taking thereof shall be authenticated according to the practice now in use with respect to affidavits.

Answers &c. to be filed without oath or messenger'

Interrogatories for examination of plaintiff.

32. It shall be lawful for any defendant in any suit (but not until after he shall have put in a sufficient answer to the bill where an answer is required), and without filing any cross bill of discovery, to file in the registrar's office of the said court interrogatories for the examination of the plaintiff to which shall be prefixed a concise statement of the subjects on which a discovery is sought, and to deliver a copy of such interrogatories to the plaintiff or his solicitor; and such plaintiff shall be bound to answer such interrogatories, in like manner as if the same had been contained in a bill of discovery filed by the defendant against him on the day when such interrogatories shall have been filed, and as if the defendant to such bill of discovery had on the same day duly appeared; and the practice of the court with reference to excepting to answers for insufficiency or for scandal, shall extend and be applicable to answers put in to such interroga-

In certain cases defendant after answer may file interrogation for the examination of the plaintiff, or a cross bill.

tories ; provided that in determining the materiality or relevancy of any such answer, or of any exception thereto, the court is to have regard to the statements contained in the original bill, and in the answer which may have been put in thereto, by the defendant exhibiting such interrogatories for the examination of the plaintiff : provided also, that a defendant, if he shall think fit so to do, may exhibit a cross bill of discovery against the plaintiff, instead of filing interrogatories for his examination.

Production of documents by plaintiff.

After answer
plaintiff may be re-
quired to produce
documents on oath.

33. It shall be lawful for the court, upon the application of the defendant in any suit (but not until after he has put in a full and sufficient answer to the bill where an answer is required, unless the court shall make an order to the contrary), to make an order for the production by the plaintiff in such suit, on oath of such of the documents in his possession or power relating to the matters in question in the suit as the court shall think right ; and the court may deal with such documents when produced in such manner as shall appear just.

Dismissal of bill.

Defendant not
required to answer
nor answering may
move for dismissal
of bill.

34. Where a defendant to a suit in the said court commenced by bill shall not have been required to answer the bill, and shall not have answered the same, such defendant shall be at liberty to move to dismiss the bill for want of prosecution, at such times, and under such circumstances, and subject to such restrictions, as shall be in that behalf prescribed by any general order of the said court.

PLAINTIFF'S PROCEEDINGS AFTER ANSWER.

Motion for decree, or decretal order,

35. The plaintiff in any suit commenced by bill shall be at liberty at any time after the time allowed to the defendant for answering the same shall have expired (but before replication) to move the court upon such notice as shall in that behalf be prescribed by any general order of the said court for such decree or decretal order as he may think himself entitled to ; and the plaintiff and defendant respectively shall be at liberty to file affidavits in support of and in opposition to the motion so to be made, and to use the same on the hearing of such motion ; and if such motion shall be made after an answer filed in the cause, the answer shall for the purposes of the motion be treated as an affidavit.

When plaintiff may move for a decree or decretal order.

36. Upon any motion for a decree or decretal order it shall be discretionary with the court to grant or refuse the motion, or to make an order giving such directions for or with respect to the further prosecution of the suit as the circumstances of the case may require and to make such order as to costs as it may think right.

Court may grant or refuse such motion, or make an order for further prosecution &c,

Replication.

37. In suits in the said court commenced by bill, where notice of motion for a decree or decretal order shall not have been made thereon, issue shall be joined by filing a replication in the form or to the effect now in use in the said court ; and where a defendant shall not have been required to answer and shall not have answered the plaintiff's bill, he shall be considered to have traversed the case made by the bill.

Issue joined by filing replication.

EVIDENCE AND WITNESSES.

Examination of witnesses, &c.

Plaintiff may give notice to defendant to adduce evidence orally or by affidavit. 38. When any suit commenced by bill shall be at issue, the plaintiff shall, within such time thereafter as shall be prescribed in that behalf by any general order of the said court, give notice to the defendant that he desires that the evidence to be adduced in the cause shall be taken orally, or upon affidavit, as the case may be; and if the plaintiff shall desire the evidence to be adduced upon affidavit, and the defendant, or some one of the defendants, if more than one, shall not, within such time as shall be prescribed in that behalf by any general order of the said court, give notice to the plaintiff, or his solicitor, that he or they desire the evidence to be oral, the plaintiff and defendants respectively shall be at liberty to verify their respective cases by affidavit.

Evidence may be taken orally if required, but in certain cases court may order otherwise. 39. When any of the parties to any suit commenced by bill desires that the evidence should be adduced orally, and gives notice thereof to the opposite party as hereinbefore provided, the same shall be taken orally in the manner hereinafter provided; provided that if the evidence be required to be oral merely by a party without a sufficient interest in the matters in question, the court may, upon application in a summary way, make such order as shall be just.

Witnesses examined in open court when evidence taken orally. 40. All witnesses to be examined orally under the provisions of this Act, shall be examined in open court at the hearing of the cause; provided always that in the case of persons who are about to

leave this island, and whose evidence may be required in any cause in the court, the evidence of such person or persons may be taken, after issue joined, before the registrar in the presence of the parties, their counsel, solicitors, or agents, in the manner hereinafter provided for, in the case of examination of witnesses before the registrar; provided further that should any witness return to this island before the cause in which his evidence has been taken is heard, he may be summoned and examined in open court at the hearing of the cause, in all respects as if his evidence had not been taken before the registrar. And the examination of a witness in court shall be conducted as nearly as may be in the mode now in use in the courts of common law; provided further that should the parties consent or should the vice chancellor see fit to do so, he may either before or at the hearing, order all such examinations to be taken before the registrar.

41. The provisions of this Act relating to the summoning of witnesses, and the production of documents before the registrar shall apply to witnesses to be examined orally in open court at the hearing of the cause. Summoning of witnesses and production of documents at oral examination.

42. All witnesses to be examined before the registrar of the said court, shall be examined in the presence of the parties, their counsel, solicitors, or agents, and the witnesses so examined shall be subject to cross-examination and re-examination, and such examination cross-examination, and re-examination shall be conducted as nearly as may be in the mode now in use in courts of common law with respect to a witness Conduct of examination of witnesses before the registrar.

about to go abroad and not expected to be present at the trial of a cause.

Depositions of such witness, how taken. 43. The depositions taken upon any such oral examination before the registrar as aforesaid shall be taken down in writing by the said registrar not ordinarily by question and answer, but in the form of a narrative, and when completed, shall be read over to the witness, and signed by him, in the presence of the parties, or such of them as may think fit to attend ; provided always, that in case the witness shall refuse to sign the said depositions, then the registrar shall sign the same, and such registrar may, upon all examinations, state any special matter to the court as he shall think fit : provided also, that it shall be in the discretion of the registrar to put down any particular question or answer if there shall appear any special reason for so doing ; and any question or questions which may be objected to shall be noticed or referred to by the registrar in or upon the depositions and he shall state his opinion thereon to the counsel, solicitors, or parties, and shall refer to such statement on the face of the depositions ; but he shall not have power to decide upon the materiality or relevancy of any question or questions ; and the court shall have the power to deal with the costs of immaterial or irrelevant depositions as may be just.

Proceedings in case witness before registrar refuses to be sworn or to answer. 44. If any person produced before such registrar as a witness shall refuse to be sworn or to answer any lawful question put to him by such registrar, or by either of the parties, or by his or their counsel, solicitor, or agent, the same course shall be adopted with respect to such witness as is now pursued in the case of a witness produced for

examination before the said registrar upon written interrogatories and refusing to be sworn or to answer some lawful question : provided always, that if any witness shall demur or object to any question or questions which may be put to him, the question or questions so put, and the demurrer or objection of the witness thereto, shall be taken down by the registrar and filed in the said court ; and the validity of such demurrer or objection shall be decided by the court ; and the costs of and occasioned by such demurrer or objection shall be in the discretion of the court

45. When the examination of witnesses before the registrar shall have been concluded, the original depositions, authenticated by the signature of such registrar shall be filed in the said court, and any party to the suit may have a copy thereof, or of any part or portion thereof, upon payment for the same in such manner as shall be provided by any general order of the said court in that behalf. Depositions at close of examination, filed in Court.

46. Notwithstanding that the plaintiff or the defendant in any suit in the said court may have elected that the evidence in the cause should be taken orally, affidavits by particular witnesses, or affidavits as to the particular facts, may, by consent, or by leave of the court obtained upon notice, be used on the hearing of any cause, and such consent with the approbation of the court, may be given by or on the part of married women, not empowered by law to consent or by or on the part of infants, or other persons under disability. Affidavits as to particular facts may be used.

Affidavits divided
into numbered paragraphs.

47. Every affidavit to be used in the said court shall be divided into paragraphs, and every paragraph shall be numbered consecutively, and as nearly as may be, shall be confined to a distinct portion of the subject.

When evidence
to be closed, cross-
examination of
witnesses on affidavits.

48. The evidence on both sides in any suit in the said court, which is taken by the registrar or upon affidavit, shall be closed within such time or respective times after issue joined as shall in that behalf be prescribed by any general order of the said court, but with power to the court to enlarge the same as it may see fit; and after the time fixed for closing the evidence no further evidence, shall be receivable, without special leave of the court previously obtained for that purpose: provided always, that any witness who has made an affidavit filed by any party to a cause shall be subject to cross-examination within such time, after the time fixed for closing the evidence, as shall be prescribed in that behalf by any order of the said court, by or before the said registrar, in the same manner as if the evidence given by him in his affidavit had been given by him before such registrar, and after such cross-examination, may be re-examined before the registrar or on the part of the party by whom such affidavit was filed: and such witness shall be bound to attend before such registrar to be cross-examined and re-examined, upon receiving due and proper notice, and payment of his reasonable expenses in like manner as if he had been duly served with a writ of subpoena ad testificandum before such registrar; and the expenses attending such cross-examination

and re-examination shall be paid by the parties respectively, in like manner as if the witness so to be cross-examined were the witness of the party cross-examining, and shall be deemed costs in the cause of such parties respectively, unless the court shall think fit otherwise to direct.

49. Upon the hearing of any cause depending in the said court, in which any evidence has been taken before the registrar or upon affidavit, the court, if it shall see fit so to do, may require the production and oral examination before itself of any witness or party in the cause, and may direct the costs of and attending the production and examination of such witness or party to be paid by such of the parties to the suit, or in such manner, as it may think fit. Court may require examination before itself of witnesses.

50. Any party in any cause or matter depending in the said court may, by a writ of subpoena ad testificandum or duces tecum, require the attendance of any witness before the said registrar and examine such witness orally, for the purpose of using his evidence upon any claim, motion, petition, or other proceeding before the court, in like manner as such witness would be bound to attend and be examined with a view to the hearing of a cause; and any party having made an affidavit to be used, or which shall be used in any claim, motion, petition, or other proceeding before the court shall be bound, on being served with such writ, to attend before the said registrar for the purpose of being cross-examined: provided always, that the court shall always have a discretionary power of acting upon such evidence as may be before it at the time, and of Any party to a cause may by subpoena require attendance of witnesses before registrar.

making such interim orders or otherwise as may appear necessary to meet the justice of the case.

Evidence subsequent to hearing to be taken the same as prior to hearing.

51. In cases where it shall be necessary for any party to any cause depending in the said court to go into evidence subsequently to the hearing of such cause, such evidence shall be taken as nearly as may be in the manner hereinbefore provided with reference to the taking of evidence with a view to such hearing.

Admission of documents.

Where parties are competent to make admissions, any party may call on any other party to admit documents.

52. In any case in which all parties to a suit are competent to make admissions, any party may call on any other party by notice to admit any document, saving all just exceptions ; and in case of refusal or neglect to admit, the cost of proving the document shall be paid by the party so neglecting or refusing, whatever the result of the cause may be, unless the court shall certify that the refusal to admit was reasonable ; and no cost of proving any document shall be allowed unless such notice be given, except in case where the omission to give the notice, is, in the opinion of the taxing master, a saving of expense.

HEARING AND DECREE.

No objection only because declaratory order sought.

53. No suit in the said court shall be open to objection on the ground that a merely declaratory decree or order is sought thereby, and it shall be lawful for the court to make binding declarations of right without granting consequential relief.

Court may decide between some of the parties without

54. It shall be lawful for the court to adjudicate on questions arising between parties notwithstanding that they may be some

only of the parties interested in the property respecting which the question may have arisen, or that the property in question is comprised with other property in the same settlement, will, or other instrument, without making the other parties interested in the property respecting which the question may have arisen, or interested under the same settlement, will, or other instrument, parties to the suit, and without requiring the whole trusts and purposes of the settlement, will, or other instrument to be executed under the direction of the court, and without taking the accounts of the trustees or other accounting parties, or ascertaining the particulars or amount of the property touching which the question or questions may have arisen: provided always, that if the court shall be of opinion that the application is fraudulent or collusive, or for some other reason ought not to be entertained, it shall have power to refuse to make the order prayed.

Taking accounts.

55. It shall be lawful for the court, in any case when any account is required to be taken, to give such special directions, if any, as it may think fit with respect to the mode in which the account should be taken or vouched, and such special directions may be given either by the decree or order directing such account, or by any subsequent order or orders, upon its appearing to the court that the circumstances of the case are such as to require such special directions; and particularly it shall be lawful for the court in cases where it shall think fit so to do, to direct that in taking the account the books of account in which the accounts re-

When account required to be taken, court may give special directions as to the mode of taking same.

quired to be taken have been kept, or any of them, shall be taken as *prima facie* evidence of the truth of the matters therein contained, with liberty to the parties interested to take such objections thereto as they may be advised.

Interlocutory decree for ranking liens.

Interlocutory
decrees.

56. When any suit or other proceeding instituted in the court in relation to real estate in which the court may order a sale, shall be ready for hearing, the plaintiff shall if he desires it, be entitled in the first instance, to have a decree for taking and ranking the liens only against such land, and for the application (if any) of the rents, issues, and profits thereof; provided always that if any creditor or person otherwise interested, other than the plaintiff shall at any time either before or after the making of such decree or order, desire a sale of such property he shall notify such desire to the plaintiff or his solicitor in the suit, and in case the plaintiff shall not within the time fixed by any rule of court thereafter apply to the court for the usual decree for sale then the said creditor or other person may himself make the said application by motion in the said suit.

Payment out of
court of any fund
representing rents,
issues, and profits.

57. After any such decree or order for taking the liens as aforesaid shall have been made, and the master shall have made his report of liens in pursuance of the said decree and such report shall have become confirmed, it shall be competent for any person having any lien against such land, in the event of there being any fund in court the proceeds of the rents, issues and profits of

such land available for the payment of any such liens or of the interest which may have accrued due thereon, to apply to the court for an order for the application of such fund, and the Court is hereby required to make any order concerning the same, and in making any such order the court shall have due regard to the priority of all liens.

58. When a decree shall have been made by the Court of Chancery directing the sale of any lands for the payment of the debts of a deceased person every person seized or possessed of such lands or entitled to a contingent right therein as heir or under the will of such deceased debtor shall be deemed to be so seized or possessed or entitled as the case may be upon a trust within the meaning of every Act enabling the court to make vesting orders concerning or to appoint a person to convey real estate vested in a trustee, and the court is hereby empowered to make an order wholly discharging the contingent right under the will of such deceased debtor of any unborn person.

When a decree for sale for payment of debts made, the person seized deemed a trustee.

59. When any decree shall be made by the Court of Chancery for the specific performance of a contract concerning any lands or for the partition or exchange of any lands or generally when any decree shall be made for the conveyance or assignment of any lands either in cases arising out of the doctrine of election or otherwise, it shall be lawful for the court to declare that any of the parties to the suit wherein such decree is made are trustees of such lands or any part thereof within the meaning of any Act or Acts enabling the court to make vesting orders concerning or to appoint a person to convey real estate vested in a trustee or for

Court to declare what parties are trustees of lands comprised in any suit, and as to the interests of persons unborn.

the court to declare concerning the interests of unborn persons who might claim under any party to the said suit or under the will or voluntary settlement of any person deceased who was during his lifetime a party to the contract or transactions concerning which such decree is made that such interests of unborn persons are the interests of persons who upon coming into existence would be trustees within the meaning of such Act or Acts as aforesaid, and thereupon it shall be lawful for the court to make such order or orders as to the estates, rights, and interests of such persons born or unborn as the court might under the provisions of any such Act or Acts as aforesaid make concerning the estates rights, and interests of trustees born or unborn.

Court may make an order for vesting the estate, in lieu of conveyance by a party to the suit, after a decree or order for sale.

60. When any decree or order shall have been made by the court of Chancery directing the sale of any lands for any purpose whatever, every person seized or possessed of such land or entitled to a contingent right therein being a party to the suit in which such decree or order shall have been made and bound thereby or being otherwise bound by such decree or order shall be deemed to be so seized or possessed or entitled as the case may be, upon a trust within the meaning of every Act enabling the court to make vesting orders concerning or to appoint a person to convey real estate vested in a trustee, and in every such case it shall be lawful for the court if it shall think it expedient for the purpose of carrying such sale into effect to make an order vesting such lands or any part thereof for such estate as the court shall direct and every

such order shall have the same effect as if the person so seized or possessed or entitled had been free from all disability and had duly executed all proper conveyances and assignments of such lands for such estate.

61. Whenever in any cause or matter either by evidence adduced therein or by the admissions of the parties or by a report of the master the facts necessary for an order under either of the three last preceding sections of this Act, shall appear to the court to be sufficiently proved, it shall be lawful for the court either upon the hearing of the said cause or of any petition or motion in the said cause or matter to make such order.

Order under either of last 3 sections when facts proved, on hearing or on petition or motion.

62. Whenever any order shall be made under either of the four last preceding sections of this Act by the Court of Chancery for the purpose of conveying or assigning any lands or for the purpose of releasing or disposing of any contingent right and such order shall be founded on an allegation of the personal incapacity of the person deemed a trustee, or on an allegation that such person is out of the jurisdiction of the court or cannot be found, or that it is uncertain which of several such persons was the survivor or whether the last of them be living or dead or on an allegation that any such person has died intestate without an heir or has died and it is not known who is his heir or devisee then and in any of such cases the fact that the court of Chancery has made an order upon such an allegation shall be conclusive evidence of the matter so alleged in every court upon any question as to the legal validity of the order ; provided always that nothing herein contained shall prevent the

Order under either of last 4 sections conclusive evidence of facts on which order made.

court of Chancery directing the re-conveyance or re-assignment of any lands conveyed or assigned by any order under the four preceding sections of this Act or a redispotion of any contingent right conveyed or disposed of by such order and it shall be lawful for the said court to direct any of the parties to any suit concerning such lands or contingent right to pay any costs occasioned by the order under either of the said sections when the same shall appear to have been improperly obtained.

Court may, in suits mentioned in section 23, appoint a collector of debts, &c.

63. It shall be lawful for the court in any such suit as is mentioned in section twenty three of this Act to appoint if it shall be needful, any person to collect any outstanding debts or effects due or belonging to such estate and to give discharges for the same, such person giving security in the usual manner duly to account for the same.

INCIDENTAL PROCEEDINGS.

Receivers.

On motion for receiver defendant's answer regarded as an affidavit.

64. Upon application by motion or petition to the court in any suit depending therein for a receiver, or to discharge an order appointing a receiver, the answer of the defendant shall, for the purpose of evidence on such motion or petition, be regarded merely as an affidavit of the defendant, and affidavits may be received and read in opposition thereto.

No person appointed receiver except majority in value of lien holders consent.

65. In every suit instituted by a mortgagee or lien holder, the court shall not appoint as receiver any person nominated as such unless it be proved by affidavit that the majority in value of the persons holding the prior mortgages or liens on the land

affected by such suit consent to the appointment of such person ; provided always, that the court may, under exceptional circumstances, make such appointment notwithstanding such majority do not agree thereto, if the court is satisfied by affidavit that it is under the special circumstances expedient to appoint such person.

66. For the purposes of the preceding section no mortgage or lien shall be deemed a prior mortgage or lien if the money secured thereby does not come within the first two thirds of the value of the land affected thereby, such value being determined by the then last valuation, appraisement, or sale thereof.

Who are deemed prior lien holders.

67. It shall be obligatory on receivers of all plantations, houses, and lands, and they are hereby authorised and required to pay all parochial, highway and militia taxes now due or hereafter to become due in respect of such plantations, houses, and lands, and the sum required for the payment of such taxes shall be deemed to be included in the sum necessary for carrying on the management and the general business of the plantation, house or land authorised to be raised under "The Agricultural Aids Act, 1887"; and the owner of such plantation house or land shall not be liable for such taxes where there is any such receiver; and in assessing for such taxes the receiver for the said plantations, houses, and lands shall be assessed in respect thereof. Should any receiver fail to comply with the provisions of this section, he shall, on complaint before a police magistrate of the parish in which he resides, by any person, be liable to a penalty

Receivers to pay parochial, highway or militia taxes.

not exceeding twenty five pounds, to be recovered in a summary manner

Solicitor having
conduct of suit to
furnish receiver
with the documents
herein named.

68. (1) In every suit or proceeding in the court of chancery, affecting real estate, in which a receiver is appointed, the solicitor having the conduct of such suit or proceeding shall furnish such receiver with (1) a certified copy of the schedule annexed to any report of liens and incumbrances, and (2) a certificate of the amount of the costs of each party to the said suit or proceeding as appears from any report of taxed costs immediately after such reports are respectively made to the court.

Receivers, how to
apply moneys un-
appropriated

(2) Every receiver, after receiving such copies as aforesaid, shall apply any monies which may from time to time remain unappropriated in his hands, and which will not be required for the payment of the expenses of the cultivation and management of such real estate, until further revenue is received in the following way; (1) in the payment of the costs of the said suit or proceeding, the costs on the part of each party to the said suit or proceeding being paid in one sum to the solicitor representing such party; (2) in the payment of the interest on the several liens and incumbrances shewn in such schedule in accordance with the priority and ranking of the said liens and incumbrances in the said schedule; Provided always, that if any creditor shall give notice in writing to such receiver that he requires payment of the principal sum due to him before interest is paid on any debt ranking junior to his, such receiver shall, after paying the interest on any senior debts pay the principal of the debt belonging to the person who gives him such notice before

paying any interest on any debts ranking junior thereto.

(3) All sums of money paid by any receiver in compliance with this section shall be allowed to the said receiver on his passing his accounts before the master of the court. And such moneys allowed on passing accounts.

(4) This section shall apply as well to suits and proceedings already instituted in the court of chancery in which receivers have been appointed (whether decrees have been made therein or not) as to future suits and proceedings. Section to apply to existing suits

(5) No receiver shall pay into court any sum of money in his hands which can be applied by him in accordance with this section; and if unable to apply the same from not having in his possession the copies which he is required to have, he shall apply for the same to the solicitor having the conduct of the cause or proceeding, and shall not pay monies into court by reason only of his not having such copies as aforesaid. Receivers not to pay into Court moneys applicable under this section.

(6) Nothing in this section contained shall affect the present practice as to the payment into court and application of any monies payable as or on account of the purchase money of any real estate purchased under any decree or order of the court. Section not to affect practice relating to the payment of money on any purchase from the Court.

Injunctions.

69. The practice of the court of chancery with respect to injunctions for the stay of proceedings at law shall, so far as the nature of the case will admit, be similar to the practice of such court with respect to special injunctions generally, and such injunctions may be granted upon interlocutory applications, supported by affidavit, Injunctions to stay proceedings at law—practice as to.

in the same manner as other special injunctions are granted by the said court.

On motion for injunction, defendants answer regarded as an affidavit.

70. Upon application by motion or petition to the court in any suit depending therein for an injunction, or to dissolve an injunction, the answer of the defendant shall, for the purpose of evidence on such motion or petition, be regarded merely as an affidavit of the defendant, and affidavits may be received and read in opposition thereto.

Court empowered to award damages instead of, or in addition to an injunction.

71. In all cases in which the court has jurisdiction to entertain an application for an injunction against a breach of any covenant, contract, or agreement, or against the commission or continuance of any wrongful act, or for the specific performance of any covenant, contract, or agreement, it shall be lawful for the court, if it shall think fit, to award damages to the party injured, either in addition to, or in substitution for such injunction, or specific performance, and such damages may be assessed in such manner as the court shall direct.

Damages to be assessed, or any question of fact arising in any suit to be tried by jury before the court itself.

72. The court shall cause the amount of such damages in any case to be assessed, or any question of fact arising in any suit or proceeding to be tried, by a special or common jury before the court itself; and the court may make all such rules and orders upon the provost marshal of this island, or any other person, for procuring the attendance of a special or common jury for such assessment of damages, or the trial of such question of fact as may be made by the court of common pleas of this island; and may also make any other orders which the court may deem requisite; and every such jury shall consist of persons possessing the qualifications, and shall be struck, summoned, bal-

lotted for, and called in like manner, as if such jury were a jury for the trial of any cause in the court of common pleas of this island ; and every jurymen so summoned shall be entitled to the same rights and be subject to the same duties and liabilities as if he had been duly summoned for the trial of any such cause in the last mentioned court ; and every party to any such proceeding shall be entitled to the same rights as to challenge and otherwise as if he were a party to any such cause ; and generally for all purposes of, or auxiliary to the assessment of damages, or the trial of questions of fact by a jury before the court itself, and in respect of new trials, the court shall have the same jurisdiction, powers and authority in all respects as belong to the court of common pleas, or to the chief judge thereof for the like purposes : provided that from any order made by the court on an application made for a new trial there shall be the same right of appeal as from any other order of the court.

73. Any question of fact, and any question as to the amount of damages, which shall be so ordered to be tried by a jury before the court itself, shall be reduced into writing in such form as the court shall direct, and at the trial the jury shall be sworn to try the said question, and a true verdict to give thereon according to the evidence ; and upon every such trial the court shall have the same powers, jurisdiction, and authority, as belong to the chief judge of the court of common pleas of this island.

Questions ordered to be tried by a jury to be reduced into writing.

Revivor and Supplement.

74. Upon any suit in the said court be- In case of abate.

ment, common
order of revivor
may be made.

coming abated by death, marriage, or otherwise, or defective by reason of some change or transmission of interest or liability, it shall not be necessary to exhibit any bill of revivor or supplemental bill in order to obtain the usual order to revive such suit, or the usual or necessary decree or order to carry on the proceedings; but an order to the effect of the usual order to revive, or of the usual supplemental decree, may be obtained as of course upon an allegation of the abatement of such suit, or of the same having become defective, and of the change or transmission of interest or liability; and an order so obtained, when served on the party or parties who according to the practice of the said court would have been defendant or defendants to the bill of revivor or supplemental bill, shall from the time of such service be binding on such party or parties in the same manner in every respect as if such order had been regularly obtained on the filing of a bill of revivor or supplemental bill; and such party or parties shall thenceforth become a party or parties to the suit, and shall be bound to enter an appearance thereto in the registrar's office of the said court, within such time and in like manner as if he or they had been duly served with process to appear to a bill of revivor or supplemental bill filed against him: provided that it shall be open to the party or parties so served, within such time after service as shall be in that behalf prescribed by any general order of the court, to apply to the court by motion or petition to discharge such order on any ground which would have been open to him on a bill of revivor or supplemental bill, stating the

previous proceedings in the suit and the alleged change or transmission of interest or liability, and praying the usual relief consequent thereon; provided also, that if any party so served shall be under any disability other than coverture, such order shall be of no force or effect against such party until a guardian or guardians ad litem shall have been duly appointed for such party, and such time shall have elapsed thereafter as shall be prescribed by any general order of the court in that behalf.

75. It shall not be necessary to exhibit any supplemental bill in the said court for the purpose only of stating or putting in issue facts or circumstances which may have occurred after the institution of any suit, but such facts or circumstances may be introduced by way of amendment into the original bill of complaint in the suit if the cause is otherwise in such a state as to allow of an amendment being made in the bill, and if not, the plaintiff shall be at liberty to state such facts or circumstances in the record in such manner, and subject to such rules and regulations with respect to the proof thereof, and the affording the defendant leave and opportunity of answering and meeting the same, as shall in that behalf be prescribed by any general order of the said court.

New facts, after commencement of suit, introduced as amendments to bill.

Real estate sold pending decree.

76. If after a suit shall have been instituted in the said court in relation to any real estate it shall appear to the court that it will be necessary or expedient that the said real estate, or any part thereof, should be sold for the purposes of such suit, it shall

Court may order real estate sold if required.

be lawful for the said court to direct the same to be sold at any time after the institution thereof, and such sale shall be as valid to all intents and purposes as if directed to be made by a decree or decretal order on the hearing of such cause; and any party to the suit in possession of such estate, or in receipt of the rents and profits thereof shall be compelled to deliver up such possession or receipt to the purchaser, or to such other person as the court shall direct.

Allowance of part of income of property while suit pending.

Where real or personal property is the subject of proceeding, court may allow to parties whole or part of annual income.

77. Where any real or personal property shall form the subject of any proceedings in the court of chancery, and the court shall be satisfied that the same will be more than sufficient to answer all the claims therein which ought to be provided for in such suit, it shall be lawful for the said court, at any time after the commencement of such proceedings, to allow to the parties interested therein, or to any one or more of them the whole or part of the annual income of such real property, or a part of such personal property, or a part or the whole of the income thereof, up to such time as the said court shall direct, and for that purpose to make such orders as may appear to the said court necessary or expedient. And it shall also be lawful for the said court to order the payment of any prior and undisputed claim or claims, or the interest of any such prior and undisputed claim or claims, pending any suit, to be paid out of any moneys in the hands of any receiver, trustee, executor, or other person or persons in whose hands

any money or moneys may be liable to such claim or claims.

COURSE OF SUIT AFTER DECREE

Appraisement and re-appraisement.

78. The owners or managers of any plantation of not less than one hundred acres in extent, not being exempted from serving on juries, shall be qualified to act as appraisers of any property ordered by the court to be sold; but in the case of dwelling houses, shops, or stores, the same shall be appraised by such persons as are rated as householders owning or occupying houses of the annual value of thirty pounds and upwards.

Qualifications of appraisers.

79. The master shall within the month of January in each year draw up a list of the names of persons qualified to act as appraisers, under the last preceding section and publish the same in the Official Gazette as a public document.

List of appraisers to be settled annually.

80. The names of the appraisers of any property ordered by the court to be sold, shall be drawn by the master from the names of those persons whose names are on the list of appraisers, settled as in the last preceding section mentioned in the presence of the solicitors for the parties to the suit or proceeding under which the property is ordered to be sold; provided always, that if any solicitor on receiving three days previous notice of the time when the appraisers are to be drawn, fails to attend, then the drawing may proceed in his absence.

Names of appraisers in each case to be drawn.

81. If any appraiser, whose name is drawn as aforesaid, resides outside a radius of seven miles from the place where the appraisement is to be held, the attendance of such

Exemption if appraiser resides 7 miles from place.

appraiser may with the consent of the solicitors for the parties present as aforesaid, be dispensed with, and the name of another appraiser drawn instead thereof.

Interest or bias
to disqualify

82. Any person having an interest in the property to be sold may object to the name of any appraiser when so drawn, on the ground that such appraiser is not disinterested or unbiassed in the matter, and on the objection being raised the master shall (unless it be agreed between all the parties present to dispense with the attendance of such appraiser) decide on the validity of such objection; and from his decision an appeal may be made to the vice-chancellor at chambers.

Pecuniary interest
to disqualify.

83. No person who has a pecuniary interest, in the property ordered to be sold, (even if such person be in other respects disinterested and unbiassed) or who is the manager thereof, shall be qualified to appraise such property.

Re-appraisement
of land unsold for 12
months.

84. (I) In every case in which any land ordered to sold by the court remains unsold for twelve months after the day on which it was first set up for sale by the master, or on which it was last re-appraised, the master shall on the application to him in writing of the holder of any lien against the said land forthwith proceed without any further order of the court to have the same re-appraised by appraisers, none of whom have been concerned in the original or any subsequent appraisement, and after such re-appraisement the value as determined thereby shall be deemed the reserved price of the said land and the master shall then again

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advertise and set up the same for sale in accordance with the provisions of the original order directing the sale, for any sum not less than such reserved price; provided always that if such application to the master shall be made by the said holder of any lien after the first day of March in any year, then such re-appraisement shall not take place before the fifteenth day of December, in the same year, and after the first day of March in the year following, but this proviso shall only apply to lands cultivated for the growth of sugar.

(2) This section shall apply to all lands appraised before its passing, and in the case of any lands appraised twelve months or more before the coming into operation of this Act the period of twelve months shall subject to the proviso mentioned in the preceding sub-section to be deemed to expire on this Act coming into operation.

Cases to which this section applies.

85. The only fees payable in respect of any re-appraisement and advertising under the last preceding section of this Act, shall be the following fees:

Fees on re-appraisement.

Fees.

	Lower scale.	Higher scale.
<i>Master's Fees.</i>	£ s. d.	£ s. d.
(1) For preparing summons to freeholders to appraise property ...	6 8	6 8
(2) For summoner's fee (as paid)		

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(3) For preparing every advertisement..	3	4	6	8
(4) For printer's bill (as paid)				
(5) For taking every inventory and appraisement of property (besides carriage hire when out of town)... 1	5	0	1	10 0
(6) For taking oath on affidavit of service ...	2	6	2	6
(7) For summoning a receiver to appraise- ...				
ment	2	6	2	6

Offers of less than appraised value.

Master may, after 8 months, receive offers of less than appraised value.

86. (1) The master shall be at liberty to receive any offer for the purchase of any land already or hereafter ordered to be sold for any sum less than the appraised value thereof, as fixed by any appraisement or re-appraisement thereof, provided such land has remained unsold for three months after the day on which it was first set up for sale by the master for its appraised value or re-appraised value.

Such offers to be advertised.

(2) On receiving any such offer the master shall forthwith advertise the same in the Official Gazette and give notice to each of the persons whose debt or debts come within the purchase money, either as parties to the suit in which the land is ordered to be sold or as incumbrancers against such land who have claimed before the master, and in the event of there being any surplus of the last appraised value going to the owner

then and in such case the master shall also give notice to such owner.

(3) If at the expiration of fourteen days from the giving of such notice, no higher or greater offer has been made to the master for such land, or no objection in writing has been made to the master by any or either of the persons whose debt or debts come within the purchase money, or such owner as aforesaid, to the offer so notified being accepted, the master shall declare the person making such offer to be the purchaser of the land at the sum offered by him, and on the same conditions as if such person had purchased the land at its appraised or reappraised value, and the master shall receive the deposit money thereof in the usual course and put such person into possession of the land as the purchaser thereof; and the master shall thereupon report to the court, at its next sitting, the offer so made to him and what he had done in relation thereto.

Offer accepted if after 14 days no objection or higher offer made.

Opening biddings.

87. The court of chancery shall not have power to open the biddings on the sale of any plantations, lands, tenements or hereditaments made by the master of the said Court under or by virtue of any decree or order of the said court, and the highest bona fide bidder at such sale provided he shall have bid a sum equal to or higher than the appraised value or reserved price, if any shall be declared and allowed the purchaser, unless the said court or the vice chancellor thereof shall, on the ground of fraud or improper conduct in the management of the sale, upon the application of

Biddings not to be opened except in cases of fraud or improper conduct.

any person interested in any such plantations, lands, tenements, or hereditaments, or any creditor against the same, (such application to be made to the said court or vice chancellor before the master's report of the sale shall have become binding) either open the biddings, holding such bidder bound by his bidding, or discharge him from being the purchaser, and order such plantations, lands, tenements or hereditaments to be re-sold upon such terms as to costs or otherwise as the said court or vice chancellor shall think fit.

Ranking and reporting liens.

Before reporting
liens master for 3
months to advertise
for claims.

88. The master shall, for three months prior to making his report of the estates rights interests liens and incumbrances in on or affecting any land, any estate or interest wherein is directed to be sold by him under a decree or order of the court, advertise in the Official Gazette and two of the newspapers of this island, calling for claims affecting the said land, and such advertisement shall be in the form to this section annexed, or as near thereto as the circumstances of the case will admit. The advertisement herein mentioned shall be in substitution for and not in addition to the one now inserted by the master.

FORM OF ADVERTISEMENT.

Official Notice.

BARBADOS, }
IN CHANCERY. }

A.B.....Plaintiff.

vs.

C.D.....Defendant.

In pursuance of a decree of this Court in

the above cause, made on the
 day of 18 , I do hereby give
 notice to all persons having or claiming any
 estate right or interest or any lien or incum-
 brance in or affecting situate in
 (the property of)
 to bring before me an account of their
 claims, with their witnesses documents and
 vouchers to be examined by me, on any
 Tuesday or Friday, between the hours of
 twelve (noon) and three o'clock (in the
 afternoon) at the Chancery Chambers in
 the Public Buildings in the City of Bridge-
 town before the

day of 18 , in
 order that such claims may be reported on
 and ranked according to the nature and pri-
 ority thereof respectively—otherwise such
 persons will be precluded from the benefit
 of the said decree, and be deprived of all
 claim on or against the said property.

Given under my hand this day of
 18

E. F.,

Master in Chancery.

89. If any person having or claiming any estate right interest lien or incumbrance in or affecting any land any interest wherein is directed to be sold shall not bring in an account of his claim with the witnesses documents and vouchers therefor before the date fixed by any such advertisement or within such further time as the court may on application allow the land directed to be sold shall be effectually freed and discharged from the estate right interest lien or incumbrance of such person but the claim of such person on

If any lien holder shall not claim within the specified time, the land ordered to be sold shall be discharged from the lien.

or against any other property or person shall not be affected thereby.

Any claim to any estate affecting land ordered to be sold may be satisfied by the sale of such estate.

90. (1.) If any claim to any estate right or interest in or affecting any land any interest wherein is directed to be sold shall be allowed by the master in his report or by the court on exceptions thereto and the court would have jurisdiction on bill or petition by or on behalf of the plaintiff or the defendant in or by or on behalf of any person claiming under the suit in which such report is made to order the sale of such estate right or interest in such case the court may on motion made to it in that behalf order that such estate right or interest be sold by the master in that suit and the price thereof paid out of the purchase money of the land sold and the court shall by the order directing such sale give such directions as may be necessary for ascertaining the value of such estate right and interest or the sum to be paid as the price thereof out of the purchase money of the land sold.

(2.) Any such motion shall be made by or on behalf of the plaintiff with the consent of the person entitled to apply by bill or petition for the sale of such estate right or interest save and except that if the defendant be the person entitled his consent shall not be necessary.

(3.) If any case in which such estate right or interest is ordered to be sold, the land affected thereby has already been sold, as if such estate, right, or interest were included in the sale then such estate, right, or interest shall not again be set up for sale but the price thereof shall be paid out of the purchase money of the land so sold as aforesaid.

91. The master shall before putting in his said report or his report of the application of the purchase money, send the draft thereof to every Solicitor representing a claimant under the suit, but no such solicitor shall be entitled to detain the draft for perusal for any period longer than three days.

Master's draft report to be sent to every claimant's Solicitor.

92. Where any creditor claiming before the master a lien affecting any land directed to be sold by the court also claims the said debt against any other land which may be also directed to be sold, or is under the control of the court at the same time, whether by virtue of the same or different suits, then the master shall, in his report of the application of the purchase money of either of the properties against which such debt is claimed, marshal such debt against such lands so as to determine how much of the said lien shall be borne by each land, and thereupon each of such lands shall stand released from the portion or portions of the said lien marshalled by the master against the other or others of them, unless such creditor shall before such report is confirmed give the master a written notice that he objects to such marshalling, and in such case the master shall rank or otherwise marshal the debt in the manner indicated by the creditor, subject and without prejudice to the rights of all other creditors: provided always, that this section shall in no wise diminish the present powers of the court as to the marshalling of debts.

Marshalling of liens affecting two or more properties.

93. When the master of the court shall at any time know or have good reason to suppose that his report of the estates rights interests liens and incumbrances in, on or against any land, or his application of the

Master to divide into two any report as to which he anticipates exceptions will be taken.

purchase money of any land will be excepted to, in respect of the ranking of any liens or incumbrances then, if he finds that he can do so, he is to divide any such report, respectively, and make one report up to and exclusive of the debt or debts which he knows or has good reason to suppose will be excepted to, and another report of all the other debts, and he shall number such reports one and two, as the case may be. Either of these reports may be excepted to or confirmed by lapse of time in the usual course, and any person, body politic or corporate, interested in any debt mentioned in any report may except to one report without excepting to the other of them, and if two reports are made in any case as aforesaid, any person, body politic or corporate filing exceptions shall state or show in his exceptions whether he or they object to both or either of the reports, and if to one only, to which of them. Such reports shall in respect of the cost and fees in respect thereof be counted as one.

Power of the Court in case one part only of such divided report becomes confirmed.

94. If the report showing the first liens against land becomes confirmed as aforesaid, whilst, owing to exceptions thereto, the report showing the remaining liens has not been confirmed, the court may on application being made, unless there shall appear to it any good reason to the contrary, deal with and order payment of the debts and interest mentioned in the first report in their proper order, as there shall be means to do so, and occasion shall arise.

Only 3 years arrears of interest prior to date of proceeding to be ranked. 95. If any incumbrancer claims before the master more than three years interest as owing to him under his security at the date on which the bill or other proceeding

in which such claim is made, was filed, the master shall give only three years interest the priority of the security under which it is claimed, and the residue thereof shall be ranked immediately preceding the unsecured debts claimed before him : provided always, that if more than one such residue shall in any case exist, such residues shall all rank immediately before such unsecured debts but as between themselves in the same order as the securities under which they are obtained ; and provided also, that this section shall not apply to any suits instituted in the court prior to the twentieth day of July 1889 or to any arrears of interest owing at that date but such arrears together with any arrears not exceeding three years arrears accruing after that date shall have the priority of the security under which they are claimed.

96. The claims and demands of merchants, and other persons against proprietors of sugar plantations and owners of land in this island for moneys lent and advanced to such proprietors and owners respectively for any purpose, or on any pretext, or for plantation supplies or machinery, or on any other account whatever, so long as they remain unsecured and on open account, shall not be a lien or liens on the plantations of such proprietors, or the lands of such owners respectively, and shall be placed and ranked along with all other debts on open account, junior to all debts or claims secured against the plantations of such proprietors, respectively, or the lands of such owners by mortgage, judgment, decree in chancery, charge by will, or other recognised mode of charging real estate, and the claims and demands

Claims and demands of merchants against plantations to be ranked on open account.

of such merchants, and other persons, against proprietors of plantations, and owners of land, as aforesaid, for which securities affecting such plantations and lands respectively shall have been obtained, shall be placed and ranked against such plantations and lands along with other securities and charges which may affect the same plantations and lands respectively, according to the date on which such security shall have been obtained or created, that is to say, prior and in preference only to such of the said securities and charges as may be of subsequent dates and junior to such of the said securities and charges as may be of prior dates; provided nevertheless that priority may still be lost by neglect to record any deed conveying, mortgaging, or charging any land or real estate.

Master's Conveyance.

Form of master's conveyance. 97. Every conveyance by the master made after the passing of this Act shall be in the form to this section annexed, or as near thereto as circumstances will admit

Form of Conveyance.

BARBADOS.

This Indenture made the day of
18 Between A.B., Esqre., the
Master of the Court of Chancery of this
Island, of the one part, and C.D. of the
parish of in the said Island, Esquire,
of the other part; Whereas in pursuance of
a decree of the said Court of Chancery
made on the day of 18 in
a cause depending therein entitled shortly

E. vs. F., the Master of the said Court on the day of 18 sold [the property or if less than an estate in fee simple be sold, mention the estate or interest sold] hereinafter mentioned and described to the said C.D. for the sum of pounds, sterling; And Whereas the said C.D. has paid to the said Master the sum of pounds, on account of the said purchase money leaving the sum of pounds still due and owing on account thereof in the order to the persons and in the amount in columns one two and three of Part II of the schedule hereunto annexed mentioned with lawful interest thereon from the date in column four of the said part of the said schedule; Now this Indenture witnesseth that in consideration of the premises, the said A.B., Master of Chancery as afore-said, in pursuance of the said Decree, and of "The Chancery Act, 1891," doth hereby grant unto the said C.D. and his heirs, (alter according to the nature and extent of the estate or interest sold) All that (*describe the property*) together with the buildings stock and hereditaments thereon and thereto belonging, and all ways rights easements and appurtenances thereto belonging and appertaining and [all estate, right, title and interest therein, or as the case may be, alter according to nature and extent of estate or interest sold.] To Have and To Hold the same unto [and to the use of the said C.D. his heirs and assigns for ever, alter according to the nature and extent of the estate and interest sold] but subject and liable to the several estates, rights, and interests in Part I of the schedule hereto annexed mentioned and also

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subject and liable to the payment of the liens in the priority in column one and to the persons in column two of Part II of the schedule hereto annexed mentioned, and in the amounts in the column three of the said Part mentioned with lawful interest thereon respectively from the dates in column four of the said Part mentioned, and the securities for the said liens with the dates thereof are stated shortly in column five of the said part of the said schedule.

In Witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first within written.

SCHEDULE TO THE CONVEYANCE

PART I.

Nature of estate right or interest.	Names of persons entitled thereto.	Nature shortly with dates of the latest instrument of title.

PART II.

Number of liens.	Names of holders of liens.	Amounts of liens.	Dates from which interest is payable.	Nature, shortly with dates of the securities for the liens.

98. All conveyances executed by the master after the passing of this Act in pursuance of a decree directing the sale of any land or any interest therein shall effectually pass such interest in the land thereby expressed to be conveyed as in the conveyance is specified and shall effectually discharge such land from all estates, rights, interests liens, and incumbrances whatsoever, of all persons whomsoever save and except such as are specified in such conveyance and subject and liable to which the master shall have conveyed the said land; provided always that prior to any such conveyance an inquiry shall be made by the master and an advertisement for claims issued in accordance with this Act, as to what estates, rights, interests liens and incumbrances were or are

Effect of Master's conveyance.

existing in or on, or affecting the said land conveyed and the reports of such estates rights interests liens and incumbrances and of the application of the purchase money of such land or of the interest therein sold shall have been duly made by the master to and confirmed by the court.

No party save grantee need be joined in master's conveyance.

99. In the conveyance of land purchased from the master under a decree of the said court, it shall not be necessary to join as parties with the master, persons in whom any estate, right, or interest, legal, equitable, or otherwise, or any mortgage term of years is vested, but such conveyance, when executed by the master, shall be effectual to vest in the purchaser the estate, or interest purported to be conveyed as if the persons entitled thereto or interested therein or having any claim thereon had been made parties to and had executed the said conveyance, and had thereby granted, transferred surrendered or released the same.

Effect of Master's signature to conveyance.

100. The signature of the master to the conveyance shall be conclusive evidence that all the provisions of this Act and all proceedings necessary for the validity and full effect under this Act of the conveyance have been complied with and duly taken.

In all pending suits where no conveyance has been executed, application may be made to the court to obtain the benefit of the provisions of this Act relating to giving purchaser an indefeasible title.

101 In all suits now pending in which the fee simple and absolute interest in any land has been ordered to be sold but in which no conveyance has yet been executed by the master, the court may on application made to it by motion in that behalf order the master to issue an advertisement in form and manner as aforesaid and to make a report to the Court of the estates, rights interests, liens and incumbrances existing in and affecting such land; provided always that if in any such case the master has

already put in the report of the liens and incumbrances affecting such land, the Master shall call for claims only in respect of any estates, rights or interests existing in or affecting such land and shall make a report to the court only in respect of such estates rights and interests, and in such cases the fees payable in respect of such advertisement and report shall be only one-half of the fees ordinarily payable in respect of such advertisements and reports.

102. Where any estate or interest shall by any decree or order of the court of chancery be ordered to be sold by the master of the court, such master shall demand the title deeds, plots, and plans of such estate or interest from the mortgagor or mortgagee, or other person in possession of the same ; and the said master is hereby authorized to examine any such person on oath, or affirmation when affirmation is allowed, touching the possession of such deed or deeds, plots, or plans ; and on refusal of any such person to deliver up any such deed or deeds, plots, or plans to the said master, or to answer such question or questions as the master shall put to him, such master shall report the same to the court, and the court is hereby authorized to commit such person for a contempt, until he shall deliver up such deed or deeds, plots, or plans, or answer such question or questions. And the said master shall deliver such title deeds, plots, and plans to the solicitor for the complainants, in the suit ; and when any estate or interest shall be so put up for sale, a time for the delivery of such title deeds plots and plans to the purchaser, or his solicitor, shall be specified in the conditions of sale.

Title deeds and
plot to be delivered
to master.

Miscellaneous.

Pleas &c, how sworn or taken out of the jurisdiction. 103. (1.) All pleas, answers, disclaimers, examinations, affidavits, declarations, affirmations, and attestations of honour in causes or matters depending in the said court of chancery, shall and may be sworn and taken in Great Britain or Ireland, or in any colony, island, plantation or place under the dominion of her Majesty, before any judge, mayor, court, notary public, or person lawfully authorised to administer oaths in such country, colony, island, plantation, or place respectively, or before any of her Majesty's consuls or vice-consuls in any foreign parts out of her Majesty's dominions; and the judges, and officers of the said court of chancery shall take judicial notice of the seal or signature, as the case may be, of any such court judge, mayor, notary public, or person, consul or vice-consul attached, appended or subscribed to such pleas, answers, disclaimers, examinations, affidavits, affirmations, attestations of honour, declarations, or other documents, to be used in the said court.

Penalty for forging signature or seal of Judge. (2.) If any person shall forge the signature or the official seal, of any such judge, mayor, court, notary public, or other person lawfully authorized to administer oaths under this Act, or shall tender in evidence any plea, answer, disclaimer, examination, affidavit, or other judicial or official document, with a false or counterfeit signature or seal of any such judge, mayor, court, notary public, or other person authorized as aforesaid, attached or appended thereto, knowing the same signature or seal to be false or counterfeit, every such person shall be guilty of felony, and shall upon conviction

be liable to imprisonment for any term not more than three years with hard labour.

104. All persons swearing, declaring, affirming or attesting before any person authorized by this Act to administer oaths and take declarations, affirmations, or attestations of honour, shall be liable to all such penalties, punishments, and consequences for any wilful and corrupt false swearing, declaring, affirming, or attesting contained therein as if the matter sworn, declared, affirmed, or attested had been sworn, declared, affirmed, or attested before any court or persons now by law authorized to administer oaths and take declarations, affirmations, or attestations upon honour.

Penalty for false-
ly swearing &c.

105. The practice of excepting to bills, answers, and other proceedings in the said court for impertinence is abolished: provided always, that it shall be lawful for the court to direct the costs occasioned by any impertinent matter introduced into any proceeding in the said court to be paid by the party introducing the same upon application being made to the court for that purpose.

Practice of except-
ing to Bills for im-
pertinence abolish-
ed.

Repeal.

106. The several Acts mentioned in the schedule to this Act are hereby repealed, to the extent mentioned provided that ;

Repeal.

(1) Any rule order or bye-law now in force whether made under any enactment hereby repealed or not shall continue in force until otherwise provided ; and

(2.) Any officer appointed under any enactment hereby repealed shall continue and be deemed to have been duly appointed under this Act ; and

(3.) Any enactment or document referring

to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment in this Act.

(4.) This repeal shall not affect

(a) the past operation of any enactment hereby repealed nor any thing duly done or suffered under any enactment hereby repealed ; or

(b) any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed ; or

(c) any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactments hereby repealed ; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty forfeiture, or punishment as aforesaid ; and any such investigation, legal proceeding and remedy may be carried on as if this Act had not passed ; or

(e) any proceedings in the case of any sale of land sold under a decree before the passing of this Act where no order is made by the court under section one hundred and one hereof, and in such case the sale may be completed in all respects as if this Act had not passed.

(f) any Act in which the enactments hereby repealed have been applied, in incorporated or referred to

(5.) This repeal shall not revive any enactment, right, office, privilege, matter or thing not in force or existing at the passing of this Act.

SCHEDULE.

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Date of Act.	Title of Act.	Extent of Repeal
22nd June 1755....	An Act to direct how the service of process of courts of equity in this Island may be rendered effectually against such persons as either abscond or avoid personal service on them ; or such as having estate or effects here, reside in parts beyond the seas, and cannot be served with such process as refuse to appear.	The whole Act.
3rd November 1819	An Act for granting letters of administration in cases where the executor to whom probate has been granted is out of this Island.....	The whole Act
29th July 1859....	An Act to amend the practice and course of proceeding in the court of chancery of this island.....	The whole Act except sections thirty four, thirty five, and thirty six.
12th October 1859	An Act for vesting in the chief judge the judicial functions of the chancellor and ordinary of this island.....	The whole Act.

Q. 1.

SCHEDULE—Continued.

Date of Act.	Title of Act.	Extent of Repeal
29th July 1872....	An Act relating to conveyance and transfer of real and personal property vested in mortgagees and trustees...	Sections twenty eight, twenty nine, thirty and forty seven.
28th February 1882	An Act to allay the apprehensions of holders of securities over sugar plantations in this island, to restore confidence in such securities and to prevent vexatious and expensive suits in relation thereto.....	The whole Act.
15th August 1885.	An Act to declare that the court of chancery shall no longer have power to open biddings after sales of property made by the master of the said court under the direction of the said court.....	The whole Act.
14th Novr. 1888	An Act to amend and define the practice of the court of chancery.....	The whole Act.
20th July 1889....	An Act to declare and amend the practice of the court of chancery with regard to proceedings therein in relation to real estate.....	The whole Act except section 36.
20th July 1889.....	An Act to provide for the re-appraisement and sale of real estate in the court of chancery.....	The whole Act.

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BARBADOS.

An Act to consolidate and amend the Acts of this Island relating to the provost marshal and his duties.

BE it enacted by the Governor, Council and Assembly of this Island and by the authority of the same as follows ;

Short title.

1. This Act may be cited as "The Provost Marshal's Act 1891."

Interpretation.

2. The term "Provost Marshal" or *Interpretation.* Marshal as used in this Act shall mean the person filling the offices permanently or otherwise of "Provost Marshal," "Sergeant at Arms" and "Marshal of the Court of Appeal for the Windward Islands," all of which offices are and shall continue to be held by the same person ; and the terms "under officer" and "lawful deputy," shall include any subordinate officer of the Provost Marshal's department.

Provost Marshal's Department.

3. The Provost Marshal's department *Officers and salaries* shall consist of the following officers who shall be appointed by the Governor and be paid the following annual salaries out of the Public Treasury on the warrant of the

Governor-in-Executive Committee by equal monthly instalments.

Provost Marshal	£500
Chief Clerk	200
Assistant Clerk.....	100
Chief Deputy Marshal.....	50
Two Deputy Marshals (each).....	25
Messenger and Deputy Marshal...	20

**Salary of present
Provost Marshal.**

4. The present Provost Marshal shall be paid on the Warrant of the Governor-in-Executive Committee out of the Public Treasury by equal monthly instalments the annual salary of six hundred pounds.

**Bond by Provost
Marshal.**

5. The Provost Marshal shall before entering on the duties of his office become bound with two sureties to be approved of by the Governor in Executive Committee jointly and severally to Her Majesty Her heirs and successors in the penal sum of two thousand pounds for the due and faithful discharge of his duties and for duly accounting for and paying all sums of money received by him or his officers in the discharge of the duties of the office of Provost Marshal.

**Oath of Deputy
Marshal.**

6. Every deputy Marshal shall on his appointment and before being capable of executing any duties, be sworn in open Court, or, if the Court of Common Pleas is not then sitting, before the Chief Judge, "Carefully to keep, and duly and speedily "to serve all process whatsoever, which "shall be to him delivered; and to make "no returns of any process, but of such as "hath been duly served; and that he will "not receive or take, by any colour, means "or device whatsoever, or consent to the

"taking of any manner of fee, reward,
 "gratuity, or other consideration what-
 "soever, either immediate, future, con-
 "ditional, or contingent; or any promise
 "or assurance of any manner of fee, reward,
 "gratuity or other consideration whatsoever,
 "for forbearing or delaying to serve or
 "execute any process to him delivered; or
 "for forbearing to summon any inquest or
 "jury returned or to be returned, to serve
 "in any Court of record; but will perform
 "and execute all the duties of his office,
 "faithfully, honestly, diligently, and im-
 "partially, without favour, affection, or
 "wilful delay, according to the best of his
 "knowledge, discretion and abilities." And
 if any deputy marshal shall wilfully do
 anything contrary to any part of his oath
 aforesaid, or shall be guilty of any neglect
 misconduct or breach of duty, he shall
 whether he be in or out of office at the time
 of the complaint made, be liable to be
 brought by summons before the Chief
 Judge to answer for such his misbehaviour;
 and if the charge against him shall be
 proved to the satisfaction of the Chief
 Judge, he shall forfeit for each and every
 such offence, for the use of the party com-
 plaining and aggrieved, such sum not ex-
 ceeding Twenty Pounds, as the Chief Judge
 shall think fit to award; and shall be
 committed by order of the said Chief Judge
 to prison there to remain until he shall pay
 his said forfeiture, and such deputy marshal
 so offending, shall also be liable to be indicted
 for a misdemeanor.

7. The cost of all books and stationery Supply of stationery

required by and all incidental expenses of the Provost Marshal's office shall be borne by the Public Treasury.

Expenses, legal and other, paid out of suit.

8. All legal and other expenses properly incurred by the Provost Marshal in the discharge of his duties shall be borne and paid only out of the matter or suit in respect of which he shall have required legal advice.

Provost Marshal liable for illegal acts

9. The Provost Marshal shall alone be responsible for any illegal act done or performed by himself or his staff and the Government shall in no wise be answerable or responsible for any such act.

Process on Provost Marshal served by Coroner.

10. All writs and process for requiring or compelling the appearance of the Provost Marshal as a witness and all writs and process in any suit, action or other proceeding in any court by or against the Provost Marshal which would in the case of any other person required as a witness or in any similar proceeding in the same court by or against any other person be served or executed by the Provost Marshal shall be directed and sent to the Coroner of the parish of Saint Michael, who shall be entitled to demand and receive for his own use the like fees thereon as the Provost Marshal himself would be entitled to demand in the like case: which writs and process the said Coroner is hereby required and empowered to serve and execute in such manner as is usual for the Provost Marshal to execute the like writs or process in any case wherein the said Provost Marshal is neither complainant, nor defendant, nor a witness.

Liability of Coroner for neglect.

11. If the said Coroner to whom any such writ or process shall be directed, shall

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neglect, refuse, or delay to execute the same, he shall for such his contempt be subject and liable to the same penalties as the Provost Marshal would in the like case have been subject and liable to, recoverable in like manner as against the said Provost Marshal.

Execution of Writs—General Provisions.

12. No execution although the same may be lodged in the Marshal's office, shall be levied, unless some creditor interested therein, or his representative, attorney, or assignee, shall first give express orders to the Marshal for that purpose, in writing, or unless some other creditor shall direct a levy to be made, in which last case, however, such creditors as please, or their representatives, attorneys, or assignees, may still by notice in writing forbid the Marshal to proceed in respect of any executions wherein they alone or the persons whom they represent are interested. And if any levy is made contrary to the preceding provisions of this Act, the same shall be absolutely void; provided always that any such indulgence as aforesaid, given to a debtor by a patient creditor, in respect of his own demand shall in no wise prevent the Marshal from proceeding upon the execution of any other creditor against the same debtor, in case such creditor is not willing to give the like indulgence to the debtor; and the Marshal shall use the utmost diligence and expedition in levying all executions which he is directed to levy as aforesaid.

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Or without affidavit
as to amount due.

13. Before directions are given for levying any execution lodged in the Marshal's office, the creditor or his representative, attorney or assignee, shall make oath before a Justice of the Peace, who is hereby authorized and required to administer the same, of the sum which to the best of his knowledge, information, and belief, is justly due to him from the debtor upon such execution; and such affidavit being first certified under the hand of the said Justice, shall be sent or delivered to the Marshal, for his direction in the raising and payment of the money appearing to be due upon such execution; and the said Marshal shall file all such affidavits as he shall so receive, and them safely keep in his office, for the information of all persons who may have occasion to apply for an inspection or copy of the same; and unless such affidavit shall be delivered to the Marshal in manner aforesaid, no money whatsoever shall be raised on such execution, nor shall moneys raised on junior executions be deemed applicable to other executions on which affidavits have not been made, but such moneys shall be applied to satisfy those executions only, according to their priority, in respect of which such affidavits have been made and delivered to the Marshal as aforesaid. Provided always, that it shall be lawful for all creditors or their representatives, who are absent from this island, to make and prove such affidavit before the persons and in the manner before whom and in which by "The Evidence Act, 1891," affidavits may be made and proved by persons absent from this

island, and every affidavit so made, proved and authenticated as required by the said Act shall be admitted and received by the Marshal as a good and sufficient affidavit, so far as the same relates to the ascertainment of any debts due on executions as aforesaid. Any person making a false affidavit under this section shall be liable to be proceeded against and punished for perjury.

Levy on Goods.

14. Whenever any personal estate is Chattels left with attached on any execution, if the defendant debtor until day of chooses to keep it the same shall not or any sale. part of it be taken out of the possession of the person from whom it is attached; but shall together with an inventory of the same be left to be produced by such person on the day of sale, upon a notice from the Marshal for that purpose, but if the creditor or his representative, shall have good cause to suspect that the debtor intends to make away with the effects so attached as aforesaid then and in such case, the creditor or his representative, shall upon oath that he has good cause to suspect the same, inform the Chief Judge thereof; who shall order the Marshal to take immediately into his custody, all such effects as have been so attached; and if on the day of sale or after such order the said effects or any part thereof are not produced to the Marshal the debtor shall unless he can prove that such non-production is not owing to any fault or neglect on his part be guilty of a misdemeanor and on conviction thereof shall be liable to be

imprisoned for any term not exceeding two years with or without hard labor; provided that in any case in which an inventory cannot be completed at the time of levy made, the Marshal shall retain possession until such inventory can be completed.

Remedy when goods of a stranger attached.

15. In all cases, where the Marshal or his officer shall, by virtue of any execution, make a levy upon the goods or chattels of a stranger, or of any person other than him against whom such execution issued; it shall be lawful for the owner or proprietor of the same to bring, at his election, either an action of trespass or trover, to recover damages; or an action of detinue, to recover the things themselves so levied on, against the Marshal; provided always that such action of detinue against the Marshal, shall be filed and served before, and not after the sale of such goods and chattels, as have been so wrongly levied on as aforesaid.

Proceedings in case of attachment of money, notes, or securities.

16. The Provost Marshal shall pay or deliver to the execution creditor entitled to the same in a due course of priority any money or bank notes which shall be attached by him or a sufficient part thereof and shall hold any cheques, bills of exchange, promissory notes, bonds, specialties or other securities for money attached by him under any writ of execution as a security or securities for the amount of the several executions lodged in his office against the judgment debtor, or so much thereof as shall not have been otherwise levied and raised; and may sue in his own name for the recovery of the sum or sums due thereon or secured thereby if and when the time of

payment thereof shall have arrived ; and the payment to the Provost Marshal by the party liable on any such cheque, bill of exchange, promissory note, bond, specialty or other security, with or without suit, or the recovery and levying execution against the party so liable shall discharge him to the extent of such payment or of such recovery and levy in execution (as the case may be) from his liability on any such cheque, bill of exchange, promissory note, bond, specialty, or other security ; and the Provost Marshal may and shall pay over to the execution creditor or creditors entitled to the same in a due course of priority the money so to be recovered or such part thereof as shall be sufficient to discharge the amount of the several executions lodged in the office of the said Provost Marshal, and if after satisfaction of the same, including all fees and expenses connected with the said executions, any surplus shall remain in the hands of the Provost Marshal the same shall be paid to the party against whom such execution shall have issued ; provided that the Provost Marshal shall not be bound to sue any party liable upon any such cheque, bill of exchange, promissory note, bond, specialty or other security unless the party who directed such writ of execution to be levied shall enter into a bond with two sufficient sureties for indemnifying him from all costs and expenses to be incurred in the prosecution of such action or to which he may become liable in consequence thereof, the expense of which bond may be deducted out of any money recovered in such action.

Sale of goods taken in execution.

Time within which and place where goods and chattels, attached, shall be sold.

17. When any goods and chattels are taken by the Provost Marshal by virtue of any executions coming to him to be levied, the same shall be sold not less than ten days after the levy in the district in which such execution has been made, and in the case of goods and chattels which can be removed without incurring what is in the opinion of the Provost Marshal excessive expense and without damage, the same shall be sold at the district Police Station, save and except goods and chattels levied on in the City of Bridgetown or within the limits of District A, which goods and chattels shall be sold in the public market of the City of Bridgetown, and the removal of such goods and chattels and of such effects shall be at the cost of the person on whom the execution was made, and defrayed out of the proceeds of such execution; but in the case of boarded and shingled houses and goods and chattels which cannot be so removed as aforesaid the same shall be sold on the spot where the same were taken in execution.

Notices of sale—when and where published.

18. It shall be the duty of the Provost Marshal to affix within four days after a levy made by him and seven days at least before the day of sale a notice in writing specifying the description of the goods and chattels levied on, the person from whom the same were taken, and the day and hours on and within which the sale will take place at the Public Buildings and at the police stations where the same are to be sold, or in the case of houses to be sold at places other than the

public market or the police stations, at the Public Buildings and at the police station, or in the case of Bridgetown and District A at the Public Buildings and at the public market, and in case of boarded and shingled houses levied on he shall affix a copy of such notice not only at the Public Buildings and at the police station but also on such boarded and shingled houses for the immediate information of the persons in the neighbourhood thereof.

19. Goods and chattels levied on by the Provost Marshal may be sold on any day in the year fixed by him not being Christmas Day, Good Friday, Sunday, a Bank Holiday or a day set apart by proclamation as a day for Divine Service. **Unlawful days for sale.**

20. Where the Provost Marshal is unable to obtain a reasonable price for any article exposed for sale, he may postpone the sale; and in case of any such postponement, he shall renew the notices required by section eighteen of this Act. **Postponement of sale**

21. The Marshal and his under officers, in all proceedings upon sales of goods, shall conform themselves to the provisions, relating to such sales contained in this Act, and in case any Marshal or his under officer, shall act contrary thereto, in any particular then upon a petition setting forth the cause of complaint which petition shall be preferred within five days after such sale by the creditor or debtor, or their representatives, to the Chief Judge, the said Chief Judge is thereby required to call the said Marshal before him, and if the matter of complaint shall be fully proved, the said Marshal shall be adjudged to forfeit **Penalty on Marshal or deputies for neglect of provisions as to sales.**

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and pay for the use of the party aggrieved, such a sum as the said Chief Judge, shall think fit to award, provided that the same does not exceed the sum of Twenty Pounds; to be raised and levied by execution in the name of the Chief Judge in the usual form against the said Marshal.

Payment of purchase money.

Chattels sold to be paid for before delivery.

22. All goods and chattels levied on and sold by the Provost Marshal shall be sold for ready money payable before the delivery of such goods and chattels to the purchaser.

Re-sale if purchase money not paid in 7 days.

23. If the purchaser of any goods and chattels sold by the Provost Marshal does not pay for the same within seven days after the day of sale, the Provost Marshal shall renew the notices required by section eighteen of this Act and re-sell such goods and chattels and shall take proceedings by action of debt against the original purchaser to recover the costs and expenses of such renewal of notices and re-sale and the sum representing the diminution in price (if any) on such re-sale.

Powers of Marshal on a resale.

24. The powers conferred on the Provost Marshal by the last preceding section may be exercised if occasion require in the case of a re-sale under that section as if such re-sale were an original sale and the second or subsequent purchaser were the original purchaser, but the liability of the first purchaser to pay the costs and expenses of the first renewal of notices and of the first re-sale and also the difference between the price offered by him and the price obtained on the first re-sale shall not be in any way affected thereby.

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Levy on Lands.

25. After any levy on any lands or houses, the Provost Marshal shall immediately take the actual possession of all such lands and houses, and keep possession thereof until the same be sold, or otherwise legally disposed of; and he shall cause tickets or notices to be affixed in some conspicuous place on the outside of all houses, and also on lands under levy and for sale, with the words "For sale, apply at the Provost Marshal's Office," painted in large legible characters.

26. The debtor whose property is attached for the payment of any debt or sum of money due under any execution, and any other person so requested by the Provost Marshal or his lawful deputy, shall on request deliver to the Provost Marshal or his lawful deputy, the title deeds and plot relating to such property, in the possession or power of such debtor or other person, and if required shall make oath thereof, which oath the said Provost Marshal or his lawful deputy, is hereby authorized to administer: and in case any person shall neglect or refuse to deliver such title deeds and plot in his possession, or to make oath respecting the same, the said Provost Marshal or his lawful deputy, is hereby authorized to postpone the sale of the property, if he shall think fit, and make a report to the Court from which the execution issued, and such Court is hereby authorized to examine such person on oath touching the premises, and on refusal of such person to answer any questions put to him to commit such person for a contempt, until he shall answer the same.

Delivery of plots and title deeds—penalty on neglect.

and such Court shall give such order respecting the title deeds and plot and the property, as the justice of the case shall require, provided always that no person shall by the delivery to the Provost Marshal or his lawful deputy of any title deeds and plot be deprived of the benefit of any lien which he may be entitled to.

Debtor to state incumbrances against property. Penalty on neglect.

27. Every debtor shall, at the time of delivering up or accounting for his title deeds, also state on oath before the said Provost Marshal or his lawful deputy, who is hereby authorized to administer the same, what are the incumbrances affecting such property so levied on, so far as the same may be within the knowledge of the said debtor and on refusal so to do, such debtor shall be liable to be punished as for a contempt of the Court from which the execution issued, under which the levy was made; and if any such debtor shall in making any such oath as aforesaid, wilfully and corruptly swear, any matter or thing which shall be false or untrue, on being thereof duly convicted, he shall be liable to the penalty annexed to wilful perjury by any law in force at the time of such perjury being committed.

Sale of lands and payment therefor.

Appraisement of lands.

28. When any lands or houses are attached under any execution from any court the Provost Marshal shall nominate and summon by summons under his hand in case the land attached be twenty acres or more, seven, or if it be under twenty acres five persons of the parish where the attached land lies being

freeholders or being such managers or house holders as are qualified by law to appraise property directed by the Court of Chancery to be sold to appraise the land attached and the Marshal or his deputy shall attend the persons so summoned to the land attached and then and there administer to them severally the following oath, namely:

“ You do swear that you will give a true, just and conscionable appraisement of the lands, houses, &c., now shown unto you according to your best judgment and understanding and neither for favour or affection, hatred or malice vary from the true value which in your judgment you think the same to be really worth. So help you God.”

And the said seven persons or any five of them or the said five persons or any three of them (as the case may be) shall after being so sworn as aforesaid make the appraisement and set down the same in writing under their hands and seals according to the best of their judgment and understanding. And the said Provost Marshal shall after such appraisement proceed to sell the said land or houses as hereinafter by this Act provided.

29. If any person duly summoned for the purpose of appraising any lands, houses, hereditaments or premises shall neglect or refuse to obey such summons, or to take the oath or perform the service required of him by law he shall be liable to a penalty of five pounds to be recovered in a summary manner before the police magistrate of the parish in which he resides on complaint by the **Penalty on appraisers for neglect of duty.**

Provost-Marshal or his lawful deputy, who is hereby required to make such complaint, unless, in the case of absence such person shall make oath before the Provost-Marshal or his lawful deputy of the cause which prevented his attendance on such appraisement, and such cause shall appear to be a reasonable one.

Except with consent
only so much of land
as will satisfy exe-
cution to be sold.

30. Where any levy shall be made on lands, the Provost Marshal or his lawful deputy shall sell as nearly as possible only so much of the land as will satisfy the execution or executions, paying over any surplus to the debtor or debtors; provided nevertheless that when it shall be the desire of the debtor that the whole of any property shall be sold, and the creditor or creditors shall consent thereto, it shall be lawful for the Provost-Marshal or his lawful deputy to sell the whole of such property, and in all cases where any difficulty shall arise, or where the proceeding in the usual course would cause injustice, the Provost-Marshal or his lawful deputy shall report the special circumstances to the court from which the execution issued which court shall direct the mode of proceeding in every such case in the manner most consonant to justice and equity, and such Court may also determine whether the whole or only a part of any property shall be sold, except in the case of houses, in which case the whole house with the outbuildings, land, yard and appurtenances thereto belonging, or the debtor's interest therein shall be sold.

31. The Provost-Marshal or his lawful deputy, shall cause all lands and houses that

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are attached by him under any execution is- Proceedings, subse-
suing from any court to be sold after ap- quent to appraise-
praisement as aforesaid at public auction ment, to complete
during any period of the year, in the man- sale of lands.
ner hereinafter prescribed; giving fourteen
days' previous notice of such sale, which
notice shall be set up in some conspicuous
part of his office, and shall state the situa-
tion of the property, the appraised value
thereof the time and place when and where
the same will be set up for sale and the de-
posit to be paid down, and such notice shall
also be advertised in one of the public news-
papers of this Island, by the said Provost-
Marshal or his lawful deputy, and at the time
and place appointed for the sale of such
property, the said Provost-Marshal, or his
lawful deputy shall set up the same for sale
at public auction upon the following con-
ditions:—that is to say, the highest bidder
for not less than the appraised value shall
be declared the purchaser, and shall pay
down a deposit of such percentage not ex-
ceeding ten per cent. on the amount of the
purchase money as the Provost-Marshal shall
before such sale determine, to the Provost
Marshal or his lawful deputy; the purchaser
shall within twenty days pay down one half
of the purchase money, and the other half
shall be paid in twelve calendar months
from the date of such purchase, with lawful
interest, and the deposit shall be allowed as
part of the first payment; and the purchaser
shall, at the time of making the first payment,
deliver to the Provost-Marshal or his lawful
deputy a judgment confessed by him for se-
curing the balance of the purchase money

and interest, at the time when the same shall become payable, together with the fees for taking out the execution thereon and the fees to the Provost-Marshall specified in schedule II to this Act; which judgment shall have priority against the property purchased, to all judgments or other securities against the purchaser and such judgment shall be in the form marked A in schedule I of this Act, and furnished by the Provost-Marshall; and the said judgment so confessed, the said Provost-Marshall or his lawful deputy shall execute a conveyance of the property so sold in the form marked B in the said schedule I and such conveyance shall be good and effectual in the law for the purpose of conveying all the estate, right, title, and interest of the debtor, in and to the property so conveyed. and such property shall not be subject to be redeemed by the debtor, or his heirs.

32. If the title of any debtor to any land or house taken under an execution issued against him is not free from doubt or all necessary parties do not attend to concur therein the Provost-Marshall shall for three months insert in the Official Gazette and in two other newspapers of this Island an advertisement calling upon all persons claiming any estate, right, title or interest in or to or any lien (other than a judgment on which execution has issued) on such land or house to send in to him a statement in writing of their claims on or before the date in such advertisement mentioned. Provided always that nothing herein contained shall apply to cases where the execution debtor has only an

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estate for his life or where he is tenant pour autre vie.

33. Any claim to any estate right title interest or lien (other than as aforesaid) in, to or on such land or house of which after such advertisement as aforesaid no statement in writing is given to the Provost-Marshal on or before the date so fixed as aforesaid shall after that date be incapable of affecting in any manner whatsoever the land or houses to which such advertisement relates.

Any lien not claimed not to affect the property.

34. If a statement in writing is given to the Provost-Marshal on or before the date so fixed as aforesaid of any claim to any estate right title interest or lien (other than as aforesaid) in to or on such land or house the Provost Marshal may either admit the validity of such claim or may require the person making the same to take such proceedings as hereinafter mentioned for the purpose of establishing the same on or before a date to be fixed by him when making such requisition.

Marshal may admit or may require claimant to establish validity of claim.

35. If such proceedings are not taken on or before the date so fixed as last aforesaid or if the validity of such claim is not established by such proceedings such claim shall be incapable of in any manner whatsoever affecting the land or house with reference to which the same was made.

If validity not established, claim not to affect the property.

36. If the validity of any claim is admitted by the Provost-Marshal as hereinbefore mentioned or is established by such proceedings as aforesaid the Provost-Marshal in case the debtor notwithstanding the validity of such claim has an interest in the land or house which can be taken in execution and sold shall sell such interest without delay but

If validity of claim established, marshal to withdraw, first selling any interest in property debtor may have.

otherwise shall forthwith withdraw from the possession thereof.

Proceedings to establish validity of claim.

37. (1) The proceedings to establish the validity of any such claim shall be by application in a summary way to the Chief Judge in Chambers and the Chief Judge on any such application being so made to him may summon to appear before him all such persons as may be necessary for determining the validity of such claim and may determine the validity of the same in a summary manner or the said Chief Judge if it appears to him desirable and right so to do may direct any questions of fact which may arise to be tried by a jury and thereupon such proceedings shall be taken as are by "The Interpleader Act, 1891," provided for every case where any court of law or equity desires to have any question of fact decided by a jury and the Chief Judge shall have such powers as are by the said Act conferred on the court desiring any such question to be so tried.

(2.) The costs of and attending all such proceedings shall be in the discretion of the Court.

Effect of Marshal's signature to conveyance.

38. The signature of the Provost Marshal to the Conveyance shall be conclusive evidence that the provisions of this Act have been complied with.

On payment of deposit, purchaser to have possession.

39. Purchasers of any property under this Act, on payment of their deposit money, shall be put into the possession of the property and shall be entitled, by themselves or by their legal advisers, to inspect and make extracts from the title deeds relating thereto and in the possession of the Provost Marshal or his lawful deputy gratis.

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40. In case any purchaser shall not pay down his deposit, the Provost-Marshal shall cancel his bid and shall proceed in the manner prescribed in section forty-four of this Act with reference to property not sold on the first day of sale, and in case such property shall sell for less than the sum bid by the person omitting to pay such deposit, the debtor or debtors damnified thereby shall have an action of debt against such person to recover the difference.

41. If any purchaser shall omit or refuse within the time hereinbefore prescribed, to make the first payment of his purchase money and to give the judgment hereinbefore required, unless he shall state in writing his objections to the title of the purchased premises, or unless the Provost Marshal or his lawful deputy shall grant a further time for the purpose of investigating the debtor's title the property purchased, or for some other reasonable and just cause, he shall forfeit his deposit, and the same shall be applied towards the discharge of the execution or executions against the debtor or debtors, and the said Provost-Marshal shall re-attach the premises and re-sell the same.

42. In case any objection shall be made by any purchaser to the title of any premises purchased, such objection shall be reduced to writing by such purchaser and delivered to the Provost-Marshal or his lawful deputy, who shall give notice thereof to the parties interested, and report the same to the Court, or Judge who shall decide on the validity thereof, and award costs or not as such Court or Judge shall deem just.

Proceedings on failure to complete purchase.

43. If any purchaser of any property under this Act, shall not pay the amount of his purchase money at the time or times when the same shall become due, the Provost Marshal or his lawful deputy shall attach the property sold; and re-sell the same in the manner hereinbefore prescribed, and also attach any other estate or effects of the purchaser for satisfying any deficiency: and the failure in payment of any one instalment by any purchaser shall be construed as a forfeiture of the defeazance for the payment of the remaining instalment or instalments, and the whole balance of the purchase money shall in such case be proceeded for.

Proceedings if property not sold on first day, or remains unsold for 3 months

44. Where any property shall be set up for sale under and by virtue of this Act, and the same shall not be sold on the first day of sale, such sale shall be kept open, and the Provost-Marshal may sell the same at any time for the appraised value, without setting up the same at public auction, and where any sale shall have been kept open for three months, the Provost-Marshal or his deputy may receive in writing an offer for a less sum than the appraised value, and give notice thereof to those parties interested who are within the Island or represented by an attorney within the Island and whose, or whose attorney's names and addresses are known to him and shall also insert three times in the Official Gazette and two newspapers a notice of such offer, and in case no objection shall be made by any party interested within ten days after receiving such notice or five weeks after the third notice in the Official Gazette the Provost-Marshal or his deputy may ac-

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cept such offer, and declare the person making the same the purchaser; but in case any party interested shall object in writing to the acceptance of such offer, the Provost-Marshal or his deputy shall report the same to the Court, and such Court shall determine whether such offer shall be accepted.

45. Where any lands or houses remain unsold in the Provost-Marshal's office for three months or upwards from the day such lands or houses are set up for sale, the Provost-Marshal shall at the request of any judgment creditor against the same, cause any such lands or houses to be re-appraised, and advertise the same for sale afresh at public auction in the Official Gazette, and another public newspaper of this Island, and sell the same for such appraised value if the same can be obtained, and if the same cannot be obtained, then if any offer less than such appraised value be made, the Provost Marshal shall deal with such offer as is provided by law where less than the appraised value is bid for property that has remained unsold for three months in the Provost-Marshal's office. Provided always, that no subsequent re-appraisement under this section shall take place until after the expiration of six months from the date of any former appraisement.

46. After any lands or houses have been once appraised, the said Provost Marshal shall proceed to a subsequent appraisement, by summoning persons by law authorized to make appraisements as if no previous appraisement had been made and the persons summoned shall be liable to the like fines

Summoning of appraisement on reappraisement.

and forfeitures for not attending such summons of the Provost Marshal as if it were a summons for a first appraisement.

Marshal's conveyance and judgment.

47. The Provost Marshal in lieu of executing a conveyance in the form given in schedule I. for any land or house levied on and sold for the payment of debts, shall on request execute such a conveyance for the same as the purchaser shall require, so that the purchase money be applied in discharge of the debts affecting the property sold, and the debtor or debtors therefrom discharged. And such conveyance shall be either to the purchaser thereof, or to any other person or persons whom the purchaser shall direct, for securing any money which the purchaser may have borrowed from such person or persons to assist in the purchasing the same, or as security by way of mortgage to any creditor or creditors who may be willing to discharge his debtor or debtors, and take the security of the purchaser thereof, or otherwise in such manner and form as the purchaser shall require, so that the debtor or debtors for whose debt or debts the same shall be sold to satisfy be discharged from such debt or debts, to the amount of the purchase money of the property sold. Provided that when the purchaser shall require any other than the usual conveyance, he shall be at the expense of providing the same. And the judgment to be confessed by the purchaser of such property as aforesaid, for securing the purchase money thereof, shall be confessed to the Provost Marshal for the amount remaining due on account of such purchase, and shall be assigned over at the

request of the purchaser in accordance with the conveyance, and such judgment shall have priority over the purchased premises to any debts of the purchaser thereof.

48. Where any debtor shall be entitled to an undivided estate or interest in any land or house, such interest shall be appraised and sold in the manner hereinbefore prescribed, and in case of a joint tenancy the conveyance by the Provost Marshal or his lawful deputy, shall be a severance of such joint tenancy, and such purchaser shall hold the debtor's estate or interest in any such house or land as a tenant in common.

Sale of undivided interest — severance of joint tenancy.

49. No bill in equity for a specific performance, shall be brought against a purchaser of any property under this Act.

No suit in equity for specific performance against purchaser.

50. Any creditor to the payment of whose debt the moneys due under any judgment taken by the Provost Marshal under this Act, shall be applicable when received, may take an absolute assignment, not returnable, of such judgment in payment of such debt, entering satisfaction on the judgment against the debtor for the whole, or for so much of such debt as the amount of the judgment assigned will satisfy; and the Provost Marshal or his lawful deputy is hereby authorized and required at the instance and request of such creditor to make such assignment.

Creditor may take an assignment of marshal's judgment in payment.

Letting and rents of property

51. When any property shall have remained unsold in the Marshal's office for the space of six months or upwards, after the

Marshal may let unsold lands.

same shall have been first offered for sale, it shall be lawful for the Provost Marshal with the consent in writing of the major part in value of the judgment creditors, the aggregate amount of whose debts shall be equal to or greater than the appraised value of such property, or with the consent in writing of the prior creditor whose debt shall be equal to or greater than the appraised value of such property, to rent or lease out such property for any time not exceeding five years at any one time; and the rent of the property so rented or leased shall be applied in the same manner by the Provost Marshal as the purchase money of the property would have been applied if such property had been sold.

Lands unsold by reason of defective title may be let to prior creditor.

52. When any title to any property shall be doubtful, and the person offering to purchase the same shall not be compelled to take such title, the Provost Marshal shall, and he is hereby authorized to deliver possession of such property to the prior creditor who may be willing to take the same at an annual rental or valuation to be made in like manner as the appraisement of the property for sale, for such period of time as will discharge the debt of any such prior creditor.

Application of rents of property levied on.

53. When any property levied on by the Provost Marshal shall be leased or rented out at the date of the levy the Provost Marshal shall receive the rents, and apply the same towards the payment of the debts affecting the same. Provided that no lease made or tenancy created after the date of any judgment affecting the premises leased shall be

valid to bar the Provost Marshal from proceeding for the sale of such property in as full and ample a manner as if there had been no such lease or tenancy ; and the levy by the Provost Marshal shall determine any such lease or tenancy without any further notice or proceeding.

54. The Provost Marshal shall have all such remedies by distress, action, or otherwise, for enforcing the payment of rent, and ejecting any tenant or tenants, as the owner himself would have had for the recovery of the rent, and obtaining possession of the property, leased or rented out ; and the said Provost Marshal is hereby authorized to retain all necessary expenses to which he shall be put in or about the recovery of such rents and premises.

Miscellaneous.

55. It shall be lawful for the creditor, or his representative, attorney, or assignee, to endorse an assignment on the back of any execution, although the same shall happen to be lodged in the Marshal's office ; and for that purpose, the said Marshal is hereby directed and required, at the request of any parties interested, or their representatives, to produce such execution, and to permit an assignment, to be endorsed thereon, in such manner and form as the party or his attorney shall think fit. And it shall be lawful for all creditors, debtors, assignors, and assignees, and their representatives and others, not only to have free recourse to, and inspection of, all executions, and assign-

ments of executions lodged in the Marshal's office wherein they are interested or concerned, but also to demand and receive a copy or copies thereof, on paying the fee therefor; and in case such copy, or such liberty of inspection, shall be refused in the said Marshal's office, to any one demanding and tendering the fee for the same on complaint thereof made before the Chief Judge, the said Marshal being first summoned to appear before the said Chief Judge to answer to the said complaint, shall, on proof of the complaint made, be adjudged to forfeit and pay for the use of the party aggrieved, for each and every such refusal, as often as the same shall happen to be made, any sum not exceeding five pounds, which the said Chief Judge shall think fit to award, the said forfeiture to be raised and levied in the manner usual in the case of other forfeitures.

**Entering satisfaction
on judgments—pro-
ceedings on.**

56. It shall be lawful for the connusee of any judgment whereon execution has issued and been lodged in the Marshal's office, or for the assignee of such execution, or for their or either of their representatives who may be desirous of having satisfaction entered on the said judgment to apply to the Marshal for that purpose, and to require him to produce such execution; and the said Marshal is hereby required immediately to produce, and to carry without delay, the said execution to the office of the Clerk of the Court from whence the same issued, in order that the said Clerk may, upon the inspection thereof, enter up satisfaction with due certainty upon the judgment, whereon such execution or executions may be grounded:

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and in case the said Marshal shall refuse to comply with the provisions aforesaid the Chief Judge is hereby authorised and required, on application to him made by either of the parties interested, or their representatives, to issue out his summons to the said Marshal, thereby commanding the said Marshal to attend him at such time and place as he, the said Chief Judge shall appoint, and to bring with him the said execution which the said Chief Judge is hereby required to demand and receive from the said Marshal, and to deliver over to the Clerk of the Court, in order that he may enter up satisfaction on the judgment as aforesaid; and the Clerk of the said Court, after he has made due entry thereof, shall re-deliver the said execution to the Marshal, having first made an endorsement thereon, as he is hereby expressly directed to do in all cases whatsoever wherein he shall enter up satisfaction, purporting that the judgment whereon the said execution is grounded is satisfied, as by the record thereof it will appear, which said endorsement the said Clerk of the Court is hereby required to attest, by signing his name at the foot thereof; and in case such Marshal shall act in contempt of the order of the said Chief Judge, such Marshal shall be fined by the said Chief Judge for such contempt in any sum not exceeding fifty pounds, for the use of the party aggrieved; to be raised by execution from the said Chief Judge in manner hereinbefore prescribed.

57. The Provost Marshal shall keep constantly in his office a list of all properties which shall have been levied on and offered

List of properties unsold to be kept, open to inspection, in Marshal's office.

for sale with the description and appraised value thereof; to which all persons shall have free access during office hours: and any person desirous of inspecting any property under levy, shall be at liberty to do so, on making an application to the Provost Marshal for the purpose, who is required to allow such inspection.

Executions out of
Chancery.

58. All executions issuing out of the Court of Chancery whereby any moneys are to be raised, shall be executed by the Provost Marshal or his lawful deputy, and every such execution shall contain only so much of the decree on which the same shall have issued as shall be a sufficient direction to the Provost Marshal or his lawful deputy to raise the money therein directed to be paid, and none of the proceedings in the cause in which such decree shall have been made shall be recited or set forth in any such execution.

After levy on lands,
not part of a plan-
tation, no foreclosure
suit shall be insti-
tuted.

59. After a levy made or directed to be made under and by virtue of any judgment or execution upon any house or land not being part or parcel of a plantation or estate; if any person shall file any bill in the Court of Chancery for the foreclosure of any mortgage over and affecting any such house or land, the person so instituting any such suit, shall not be entitled to recover his cost for suit, unless it shall be made to appear to the satisfaction of the same Court, that any such suit was necessary to enable the complainant to obtain some further or other relief than he could obtain at law.

Marshal, or his repre-
sentative, on vaca-
tion of office, to hand
over all writs, &c.

60. Whenever the office of Provost Marshal becomes vacant the Marshal vacating the office or his legal personal representative

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shall deliver without delay to the person discharging the duties of the office all writs, process, official documents and records which were in the possession or under the care of the Provost Marshal vacating the office, and in default of so doing shall be guilty of a misdemeanor: and the Chief Judge is hereby empowered if necessary to issue new process in any action or matter that is pending if the former process is lost, withheld or suppressed by the negligence or contumacy of any former Provost Marshal or of any officer or person by him intrusted with the same.

61. The Provost Marshal shall be liable Liability of Marshal to be proceeded against and punished by to attachment for attachment in any case of escape or of ex- wrongdoing. tortion abuse of authority fraudulent or collusive proceeding or corrupt practice by him or his officers or of knowingly making any false return to any writ.

62. The Provost Marshal may be proceeded against by action in any case of neglect Action against Mar- shall for neglect of duty, &c. or refusal by him or his under officer to execute any writ or of neglect or refusal by him or his under officer to perform any duty imposed on the Provost Marshal by law or for any delay or improper conduct by or on the part of him or his under officer in the discharge of any duty imposed on the Provost Marshal by law, provided always that the Provost Marshal shall not be responsible for the act of his under officer if not within the limits of his duty unless such act is subsequently assented to or adopted by the Provost Marshal.

63. Nothing in the preceding sections

This Act not to exempt Marshal from common law or statutory obligations.

contained shall in any way exempt the Provost Marshal or his under officers from any liability or responsibility to which by the common law or by any Imperial Statute in force in this Island at the date of the passing of this Act he or they may be subject.

Marshal's fees.

64. The Provost Marshal shall be entitled to demand and receive the fees mentioned in schedule II to this Act, and any fees which the Chief-Judge as he is hereby authorised to do, shall settle and fix in respect of any proceedings or matters not mentioned in the said schedule for which fees shall be properly chargeable.

Table of fees in office.

65. The Provost Marshal shall set up in his office a fair table of the fees by the laws of this Island payable to him. And any Provost Marshal who shall presume to extort more than by the laws aforesaid are allowed, shall forfeit Fifty Pounds sterling, one half to Her Majesty, and the other half to the informer that shall sue for the same; and for ever after conviction thereof, be deemed incapable to execute that office. And if the Marshal shall neglect to set up and keep the table of his fees in his office, he shall for every month's neglect forfeit Ten Pounds sterling, one half to Her Majesty and the other half to the informer that shall sue for the same.

Fees to be paid into Treasury.

66. All fees and emoluments payable to and receivable by the Provost Marshal shall be paid by him into the Public Treasury to the credit of the general revenue at the end of every month. A full, accurate, and detailed account of all such fees and emoluments received shall be kept by the person

discharging the duties of Provost Marshal, and the said accounts and all books relating thereto shall be examined and audited quarterly by the Auditor General.

67. Any person obstructing the Provost Obstructing Marshal Marshal or his under officers in the exercise or deputies. of his duties under this Act, shall be deemed guilty of a misdemeanour, and be fined or imprisoned by the Court of Grand Sessions at the discretion of the said Court.

68. The Provost Marshal shall make a Expenses connected return in every month to the Governor in with crown execu- Executive Committee of the expenses neces- tions—payment of. sary for levying executions and appraising and selling properties attached under and by virtue of executions issued by the several police magistrates and the Judges of the Assistant Court of Appeal at the suit of the Crown, and the Governor in Executive Committee is hereby authorised and required to issue his warrant to the Colonial Treasurer directing him to pay to the Provost Marshal the amount of the expenses incurred or to be incurred by him in and about the levying of executions and the appraisement and sale of any such properties attached as aforesaid.

69. (1) The Provost Marshal is hereby Special Marshals to authorised to appoint special deputy-marshals attend sittings of Court. to attend the sittings of any of the superior courts of this island and discharge such duties as may be required of them and as are usually discharged by a deputy marshal at such court. Each special deputy-marshal shall on his first appointment take the oath of deputy-marshal.

(2.) Each deputy marshal and each special deputy-marshal shall for each day's attend-

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ance at either of the said courts in his capacity as deputy-marshal receive from the public treasury, on the certificate of the clerk of such court, a sum of two shillings.

Repeal.

Repeal. 70. The several Acts mentioned in schedule III to this Act are hereby repealed to the extent mentioned, provided that—

(1) Any rule order bye-law, rules of practice forms or docket of fees now in force whether made under any enactment hereby repealed or not shall continue in force until otherwise provided; and

(2) Any officer appointed under any enactment hereby repealed shall continue and be deemed to have been duly appointed under this Act; and

(3) Any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment in this Act.

(4) This repeal shall not affect.

(a) The past operation of any enactment hereby repealed nor anything duly done or suffered under any enactment hereby repealed; or

(b) any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; or

(c) any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactments hereby repealed; or

(d) any investigation, legal proceeding or

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remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid, or any pending proceedings in the Provost Marshal's office, and any such investigation, legal proceeding and remedy or pending proceedings may be carried on as if this Act had not passed ; or

(e) any Act in which the enactments hereby repealed have been applied, incorporated or referred to.

(5) This repeal shall not revive any enactment, right, office, privilege, matter or thing not in force or existing at the passing of this Act.

SCHEDULE I.

A.

**FORM OF JUDGMENT REFERRED TO BY THE
FOREGOING ACT.**

By the Chief Judge.

BARBADOS.

Be it remembered that on the
day of One thousand eight
hundred and A. B., of the parish
of and island abovesaid
personally appeared before me the Honour-
able Chief Judge
of the Court of Common Pleas, and confessed
judgment unto B. O., esquire, Provost-Mar-

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shal of the said Island of Barbados, and his successors in office in the sum of Pounds with lawful interest thereon (besides charges, &c.) from the day of Execution to issue, but not to be levied until default shall happen to be made in payment of the said sum of

Pounds and the interest thereof, unless any other execution shall in the meantime be levied. Then and in either of such cases happening, the same to be levied on all that [insert the description of the property sold by the said B. C., Provost-Marshal as aforesaid, under the Act in that case made and provided, to satisfy certain executions against D.E.] And in case the said premises shall not be sufficient, then the said execution to be levied on all other the estate real and personal of the said A.B.

B.

**FORM OF CONVEYANCE REFERRED TO IN THE
FOREGOING ACT.**

This Indenture, made the day of One thousand eight hundred and between A B, esquire, Provost-Marshal of the Island of Barbados, of the one part, and C. D., of the parish of and Island above-said, of the other part. Whereas on the day of One thousand eight hundred and E.F., of the parish of and Island

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abovesaid personally appeared
before the Honourable
Chief Judge of the Court of Common Pleas,
and confessed judgment unto G. H., for se-
curing payment of the sum of

besides charges and interest, on which
judgment execution issued on the

day of (or in case execution
hath issued on a decree of the Court of Chan-
cery). Whereas under and by virtue of a
decree of the Court of Chancery of this
Island, made in a cause wherein J. K., was
plaintiff, and L.M. defendant, the said L.M.
was decreed to pay the said J.K. the sum of
with interest,

from the day of
besides the costs taxed of the said suit, on
which decree a writ of execution issued on
the day of And

whereas for the satisfaction of the moneys
due under the said judgment (or decree)
and execution, all that dwelling house (or
all that piece or parcel of land) situate
(state the situation) in the said Island of
Barbados, and hereinafter more particularly
described, was on the day of

sold by the said A. B.,
Provost Marshal, as aforesaid to the said
C. D., for the sum of

pursuant to the Act of this Island in that
case made and provided. And whereas the
said C. D., hath paid to the said A. B.,
Provost-Marshal as aforesaid, the sum of

on account of the
purchase money of the said dwelling house,
&c., and the premises, and the said C. D.
hath also on the day of

confessed a judgment before the
 Honorable Chief
 Judge of the Court of Common Pleas to the
 said A. B., Provost Marshal as aforesaid, to
 secure the payment of the sum of

being the balance of the said
 purchase money. Now this indenture wit-
 nesseth that in consideration of the said
 sum of to the said A B..
 Provost-Marshal as aforesaid, in hand, well
 and truly paid by the said C. D., at or
 before the sealing and delivery of these
 presents, the receipt whereof he the said
 A. B., Provost Marshal as aforesaid, doth
 hereby acknowledge, and therefrom doth
 acquit, release, and discharge the said C. D.,
 and in consideration of the premises, he the
 said A. B., Provost-Marshal as aforesaid, by
 virtue of the power given to and vested in
 him by "The Provost-Marshal's Act 1891,"
 by these presents doth grant unto the said
 C.D, and his heirs all that (describe the
 property), to have and to hold the said
 dwelling house and premises, with the appur-
 tenances thereto belonging, hereby granted
 and sold unto and to the use of the said C.D.
 and his heirs, freed and absolutely discharged
 of and from all judgments and executions
 against the said E. F., but subject never-
 theless to and charged and chargeable
 with the payment of the said sum of

and interest thereon from
 the day of and
 the said judgment and execution against
 the said C. D., for securing the payment
 thereof, being the balance of the purchase
 money of the said dwelling house and prem-

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ises; prior and preferable to all debts, claims, and demands whatsoever against the said C.D. In witness thereof the said parties hereto have set their hands and seals the day and year first within written.

Signed, Sealed and Delivered } (L. S.)
in the presence of } (L. S.)

SCHEDULE. II.

On every information in the court of Escheat in which a verdict may be found for the Crown £1 1 0

For executing every order of arrest under the debtor's act 5

For a bail bond on do. 5

Assistant Court of Appeal.

For recording an Execution	1	0
For levying an Execution	2	6
Making return to each Execution	1	0
Setting up Notes for Sale	2	0
Attending each Outcry	1	0
Commission on Collection or Sale	2 per cent.	
Summoning appraisers	2	6
Attending Appraisers	3	4
Carriage hire (as paid)		
Drawing Appraisers Return	2	6
Drawing Advertisements for Sale	1	0
Advertisement (as paid)		
Attending giving possession	8	4
Bill of Sale	10	6

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Certificate to Surveyor.....	£ 0	1	0
Executing every warrant of possession or warrant of Assistance	10	0	
Executing order for Attachment or a Commitment, each person	10		
Executing a citation for each respondent,.....	2	6	

Common Pleas.

Serving every Jury Action.....	1	0	
Serving a Writ of Enquiry.....	10	0	
Levying Executions.....	5	0	
For levy fee, and Commission on collection or sale.....	2	per cent.	
Lodging every Execution.....	2	6	
Making return to each Execution	2	0	
Warrants of Appraisement, Special Writs, &c.....	1	0	
Executing a Special Writ.....	10	0	
Serving Writ for Contempt, each person.....	10	0	
Executing Writ Replevin and return.....	10	0	
Summoning Appraisers.....	10	0	
Attending Appraisers.....	10	0	
Carriage hire (as paid.).....	6	8	
Drawing their Return.....	6	8	
Setting up Notes of Sale.....	2	0	
Drawing Advertisement.....	2	0	
Advertisement (as paid.).....			
Summoning a Jury on Partition or Writ of Dower.....	10	0	
Drawing the Jurors Return on writ of Partition of Dower....	10	0	
Empanelling and swearing Jurors.....	10	0	

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Attending Jurors.....	£ 0 10 0
Setting up Notes of Sale.....	3 4
Attending each outcry.....	1 0
Copy of all documents, per folio of 90 words.....	0 6
Certificate of any Debt of Execu- tion.....	2 0
Producing every execution at Prothonotary's Office.....	1 0
Serving every petition and order on each person.....	2 6
Searching for any Writ, first year	1 0
Each succeeding year.....	6
Every Security's Bond for Chat- tels sold at outcry.....	10 0
Attending Prothonotary with list to draw Special Jurors.....	5 0
Summoning Jurors and return- ing Writ of Habeas Corpora Juratorum.....	1 1 0
Bill of Sale.....	10 6
Serving every Subpoena.....	2 6
Serving every Injunction.....	2 6
Serving attachment, each person	10 0

Serjeant at Arms.

For Serving every Subpoena, on each person.....	2 6
For Serving every Certificate of motion or Petition on each person	2 6
For Serving a Writ of Duces te- cum, each person.....	2 6
For Serving a ducatis Vobiscum, each person.....	2 6

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For Serving a Summons on Petition for Evidence each person.	£	0	2	6
For Serving an injunction.....			2	6
For Lodging Order of Court to Levy			5	0
For levying every decree, each £100 received		2	0	0
For making a return of the levy			6	8
For Summoning Appraisers.....			10	0
For drawing their Return.. ...			6	8
For giving possession of Lands or Houses.....			3	4
For Bill of Sale.....		1	10	6
For Lodging Ne Exeat of Attachment			10	0
For Levying Ne Exeat of Attachment.....		1	0	0
For Serving a Proclamation of Rebellion.			5	0
For Serving an Order of Commitment.....			10	0

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BARBADOS.

An Act to consolidate and amend the Acts of this Island relating to unclaimed and undistributed moneys.

BE it enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as “The un- Short title.
claimed and undistributed moneys Act,
1891.”

2. In this Act

Interpretation.

“Treasury” means the public treasury
of this island.

“Officer” means the official assignee,
provost marshal, master in chancery or
any other public officer not already
required by statute to pay into the
treasury at stated periods all moneys
in his hands or under his control.

“Unclaimed moneys” means any moneys
which now or may hereafter remain
unclaimed for one year after the same
became claimable by or payable to any
person or persons.

“Undistributed moneys” means any mon-
eys which now or may hereafter remain
unallotted or undistributed for one year
after the same became allottable or dis-
tributable.

“Judge” when used with reference to
applications or proceedings to be made
and taken with regard to any unclaimed

moneys, or any undistributed moneys paid into the treasury (save and except such unclaimed moneys or such undistributed moneys as may be paid into the treasury by the master in chancery) means the Chief Judge of the Court of Common Pleas sitting in chambers or in open court as he shall think fit; and when used with reference to any applications or proceedings to be made and taken with regard to any unclaimed moneys or any undistributed moneys paid into the treasury by the master in chancery means the vice chancellor of the court of chancery sitting in chambers or in open court as he shall think fit, and before whom all such last mentioned applications and proceedings shall be made and taken only.

"Treasurer" means the Treasurer of this island.

"Attorney General" means the person for the time being discharging the duties of Attorney General of this island.

Officers to pay moneys into treasury and furnish treasurer with a statement.

8. When any officer shall have in his hands or under his control any unclaimed moneys or any undistributed moneys he shall pay the same into the treasury to the credit of an account to be opened in the books of the treasurer in the name or style of office of the officer paying in such moneys with the words "unclaimed or undistributed moneys" added and following such name or style of office. The officer paying in such moneys shall at the time of doing so furnish the treasurer with a statement signed by such officer showing the name of the person or

style of account in which the moneys paid in, stands in the books of his office and the amount paid in, and where known the name of the person entitled thereto. and whether the same will be likely to be claimed or not or distributed or not within a period of one year from the time of paying in the same, and containing such remarks thereon as such officer shall deem necessary and proper to make for ascertaining the person entitled thereto and for facilitating the payment thereof when claimed. The treasurer shall furnish the officer paying in such moneys with a certificate of receipt in duplicate of such moneys, and such officer shall deliver such duplicate certificates to the Auditor General who shall endorse on each of them an acknowledgement of his having received such duplicate certificates so delivered to him, and shall retain one of such certificates when so endorsed and deliver the other to such officer who shall retain the same, which shall be an effectual discharge to such officer for such moneys so paid in. Treasurer to furnish officers with receipt in duplicate.

4. The Governor-in-Executive Committee may at any time require the Auditor General to enquire into, examine, or audit the accounts of any officer with a view of ascertaining if there are any unclaimed moneys or any undistributed moneys in his hands or under his control which shall have been paid into the treasury, and the Auditor General upon being so required shall enquire into, examine, or audit such accounts and report thereon in writing to the Governor-in-Executive Committee. Governor-in-Executive Committee may require Auditor General to audit, &c.

5. The treasurer shall deposit in the

Treasurer to deposit moneys in colonial bank to a separate account.

colonial bank at current account to the credit of a separate account having the title "colonial treasurer unclaimed and undistributed moneys," all sums of unclaimed moneys and undistributed moneys paid in by an officer and whenever the sums so deposited at current account, and not likely to be claimed or distributed for at least one year, shall amount to the sum of one hundred pounds or upwards, such sums shall be deposited by him at interest in the colonial bank and the moneys so deposited at interest in the colonial bank may be withdrawn from the colonial bank by the treasurer subject to the approval of the Executive Committee.

Interest for benefit of general revenue.

6. All interest on sums deposited at interest under the last preceding section of this Act shall, when received by the colonial treasurer, be retained by him for the benefit of the general revenue.

Person entitled to money may apply to the Governor-in-Executive Committee for payment of same.

7. Any person entitled to any unclaimed moneys or any undistributed moneys paid into the treasury by any officer pursuant to this Act may apply to the Governor-in-Executive Committee for payment to him of the same, and the Governor-in-Executive Committee if satisfied that the person claiming the same is entitled thereto shall order the payment by the treasurer to such person of the principal sum due him, but if the Governor-in-Executive Committee is not satisfied of the right of such person claiming, to be entitled thereto, the claimant may by motion or petition apply in a summary way to the Judge for payment by the treasurer of the amount claimed: Provi-

ded always that in case the said moneys shall be adversely claimed by two or more persons then the Governor-in-Executive Committee shall in a written certificate to be signed by the clerk of the said Committee decline to make any order for the payment of the moneys so claimed; and either of the parties claiming as aforesaid shall be at liberty to apply to the court of common pleas, the chief judge of which shall by rule of court or otherwise cause the parties or any or either of them to appear before the said court at a time to be named; and upon the appearance of such parties, or in the absence of any of them upon proof of due service of notice to appear, it shall be lawful for the said court to hear and determine such claim and order the payment of the moneys to the person or persons entitled thereto and for that purpose to examine such parties or any of them and their witnesses upon oath; and the costs of the proceedings shall be in the discretion of such court and the amount thereof shall be taxed in the usual manner by the Prothonotary of the said court.

8. A notice of all applications to the Judge shall be served on the Attorney General, and the Judge shall hear such applications and make such orders on the treasurer in respect of the money claimed as to the judge shall seem just.

9. All costs and expenses incurred by or on behalf of the Attorney General, in resisting or appearing on any such application, unless the judge shall certify that

Notice of applica-
tion to be served
on Attorney General.

Costs and expenses
of Attorney General
to be paid out
of amount claimed.

the claim was so manifestly well grounded that it ought not to be opposed, shall be paid out of the amount thereby claimed.

Persons entitled to moneys at interest to wait for same until expiration of notice to colonial bank. 10. Whenever any unclaimed moneys or any undistributed moneys ordered by the Governor-in-Executive Committee or the Judge to be paid by the treasurer shall be deposited at interest in the colonial bank, the person to whom the same is ordered to be paid shall be bound to wait for the payment thereof until the expiration of the notice required to be given to the Colonial Bank of the same being required to be paid.

Treasurer to give notice to colonial bank. The Governor-in-Executive-Committee shall on the request of any person entitled to any unclaimed moneys or any undistributed moneys so deposited in the Colonial Bank at interest require the treasurer to, and the treasurer shall on being so required or by order of the Judge, give such notice to the Colonial Bank, as is required to be given before the moneys so deposited at interest in the Colonial Bank are withdrawn therefrom.

Governor-in-Executive Committee or Judge may require applicant to give public notice. 11. The Governor-in-Executive Committee or the Judge may if he thinks fit require any person applying to be paid any unclaimed moneys or any undistributed moneys paid into the treasury to give such public notice as they shall deem proper by advertisements in one or more of the newspapers of this island.

Substance of notice. 12. Every such notice shall state the amount claimed, and the name of the claimant, and the time at which the payment will be made if no other claimant sooner appears and makes out his claim, and such other particulars as the Governor-in-Execu-

tive Committee or the Judge shall require, and where any such payment is ordered, the notice shall also state the purport of the order.

13. At any time before payment under the order of the Judge or Governor-in-Executive Committee (as the case may be) to any person of any unclaimed moneys or any undistributed moneys, any other person may apply to the Judge or Governor-in-Executive Committee (as the case may be) by motion or petition in a summary way to rescind or vary any order made for payment thereof and the Judge or Governor-in-Executive Committee (as the case may be) shall hear and determine the rights of parties thereto and make such order thereon as to him shall seem just.

14. Where any moneys having been paid as aforesaid to a claimant are afterwards claimed by another person neither the Governor-in-Executive Committee nor the treasurer shall be responsible for the same to such other claimant but he may have recourse against the person to whom the payment was made, and may if entitled to such moneys recover from such person the moneys so paid by action or plaint in the court having jurisdiction.

15. The Governor-in-Executive Committee and the treasurer are hereby indemnified in respect of every payment of moneys under this Act, and shall not be in any manner responsible to any person having or claiming any interest therein.

16. Notwithstanding the preceding sections of this Act, in all cases in which the Official Assignee requires any moneys paid

Before payment of moneys any other person may apply to rescind or vary order.

Neither Governor-in-Executive Committee nor treasurer liable for money claimed after payment, but claimant may recover from payee by action on plaint.

Indemnification clausee.

Moneys paid in by into the treasury by him, for the payment
Official Assignee if of any dividend subsequently declared, the
required for pay- money so required shall be paid to him by
ment of dividends the treasurer on the production of the divi-
shall be paid on dend order; provided always that any mon-
production of divi- eys so paid to the Official Assignee if not
dend order. paid away by him within one year of the

receipt thereof by him from the treasurer
 shall be deemed unclaimed within the mean-
 ing of this Act.

After three years
moneys transferred
to general revenue.

17. Any unclaimed or undistributed mon-
 eys paid into the treasury by any officer
 before or after the passing of this Act
 which remained in the hands of such Offi-
 cer unclaimed for three years prior to
 such payment or shall remain in the trea-
 sury unclaimed for a period which together
 with the period during which it has remain-
 ed unclaimed in the hands of such officer is
 equal to three years, shall be transferred by the
 treasurer, together with any accumulations
 of interest thereon, to the account of the
 general revenue; provided always that any
 moneys so transferred if claimed by any per-
 son entitled thereto, as provided by this
 Act, within twenty years after the same
 were paid into the treasury shall be paid
 to such person.

After 20 years
unclaimed moneys
to become property
of the public.

18. Where any moneys are not claimed
 for twenty years after the same have been
 paid into the treasury by an officer, under
 this Act or under "The unclaimed and un-
 distributed moneys Act 1885" the same and
 all accumulations (if any) of interest there
 on shall become the property of the pub-
 lic of this Island for the purpose of the
 general revenue.

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19. The Colonial Treasurer shall some- Annual statement of
time in the month of January in each year moneys in treasurer's
publish in the Official Gazette a detailed hands.
statement of all unclaimed and undistri-
buted moneys held by him whether paid
into the treasury before or after the passing
of this Act.

Repeal.

20. The several Acts mentioned in the Repeal.
schedule to this Act are hereby repealed, to
the extent mentioned, provided that,

(1.) Any rule, order or bye-law now in
force whether made under any enactment
hereby repealed or not, shall continue in
force until otherwise provided ; and

(2.) Any enactment or document referring
to any Act or enactment hereby repealed
shall be construed to refer to this Act or to
the corresponding enactment in this Act.

(3.) This repeal shall not affect

(a) the past operation of any enactment
hereby repealed nor anything duly done
or suffered under any enactment hereby
repealed ; or

(b) any right, privilege, obligation, or
liability acquired, accrued, or incurred
under any enactment hereby repealed ;
or

(c) any penalty, forfeiture, or punishment
incurred in respect of any offence com-
mitted against any enactments hereby
repealed ; or

(d) any investigation, legal proceeding or
remedy in respect of any such right,
privilege, obligation, liability, penalty,

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forfeiture, or punishment, as aforesaid ;
and any such investigation, legal proceeding and remedy may be carried on as if this Act had not passed ; or

(e) any Act in which the enactments hereby repealed have been applied, incorporated or referred to.

(4.) This repeal shall not revive any enactment, right, office, privilege, matter or thing not in force or existing at the passing of this Act.

■

SCHEDULE.

Date of Act.	Title of Act.	Extent of Repeal.
16th October 1885.	An Act to provide for the payment into the public treasury of all unclaimed moneys and all undistributed moneys in the hands or under the control of public officers, and for regulating the payment thereof to persons entitled thereto.	The whole Act.
25th June 1886.	An Act to amend an Act entitled, "The Unclaimed and Undistributed Moneys Act, 1885."	

BARBADOS.

An Act to consolidate and amend the Acts of this Island relating to the representation of the people.

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows :—

Short Title.

Short title.

1. This Act may be cited as "The Representation of the People Act, 1891."

Qualification of members.

Qualification of representatives.

2. Every male subject of Her Majesty, her heirs and successors (not being a clerk in holy orders or other minister of religion or any individual the functions of whose office are of a judicial nature) of twenty one years of age and upwards, who shall possess any one of the qualifications below, shall be qualified to be elected a member of the Assembly of this island, namely;

(1.) Thirty acres of land in fee simple or fee tail with a dwellinghouse thereon, which dwelling house shall be of not less value than the sum of three hundred pounds ;

(2.) Ownership in fee simple or fee tail of lands, houses or any real estate whatsoever of the absolute value of one thousand five hundred pounds ;

(3.) Tenant for life or who, or whose wife, shall have, and be beneficially interested for life or for any greater estate either

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in law or equity in any lands, tenements, or hereditaments of not less than the annual value of one hundred and twenty pounds, whether such lands, tenements or hereditaments be in the occupation of such person or rented or leased out; provided the rent received be not less than one hundred and twenty pounds and that the renting or leasing be a bona fide renting or leasing and the person claiming to be qualified in respect thereof or his wife be entitled to such rent for his or her own use and benefit;

(4.) Who, or whose wife shall be in the receipt of a clear annual income of not less than two hundred pounds being the rents, issues or proceeds of any messuages, lands, or hereditaments, or derivable from any pension profession, office, or trade, or from dividends in the public funds or stocks of Great Britain, or from interest on any loans advanced to the government of this Island, or from interest of money secured by mortgage or other speciality in this Island over real estate exceeding the value of the money secured thereon, or from dividends or other annual income derivable from shares of any company incorporated by Act of this Island.

Qualification of voters.

3. Every man a subject of Her Majesty, Qualification of her heirs and successors, of full age and not voters. subject to any legal incapacity, who shall possess either of the qualifications hereinafter mentioned, shall be entitled to be registered as a voter, and when registered to vote at

any election for any two candidates to serve in the General Assembly of this island for the parish or City of Bridgetown in respect of which he may be registered as a voter, and in which his qualification may be situated, namely;

(1) Who is seized at law or in equity of any land or tenements of freehold for his own life or for the life of another, or for any lives whatsoever or in right of marriage or as a dower of his wife or for any larger estate of the yearly value of not less than five pounds, and who in his own right or in right of his wife shall have been in the actual possession thereof or in the receipt of the rents and profits thereof for his use for twelve months at least next previous to his claim to be registered and the deed or deeds under which such lands or such estate or interest shall be claimed shall have been proved and recorded twelve months in the Colonial Secretary's Office of this Island, unless possession of the same or receipt of the rents and the profits thereof shall have been had or taken by him for two years next previous to his claim to be registered.

(2.) Who in his own right or in right of his wife shall be entitled for his or her life to rents and profits issuing out of any lands or tenements in this Island to the amount of five pounds per annum and upwards, and who shall have been in the receipt of such rents and profits for his use twelve months at least next previous to his claim to be registered, and the deed or deeds under which such rents and profits shall be claimed shall have been proved and recor-

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ded twelve months in the Colonial Secretary's Office of this Island, unless the said rents and profits shall have been had or taken by him for two years next previous to his claim to be registered.

(3.) Who is the occupier of any land or of any house, warehouse, store, counting house, shop or other building or buildings, being either separately or jointly occupied with any land, and which is parochially assessed at the value of fifteen pounds per annum, or be of that value, and who for six months next previous to his claim to be registered shall have been in the occupation of any such lands, house, warehouse, store, counting house, shop or other building or buildings.

(4) Who shall have paid taxes assessed by the Vestry of the parish of Saint Michael in respect of the City of Bridgetown of not less than two pounds, or shall have paid taxes assessed by the vestries of either of the other parishes and by the vestry of the parish of Saint Michael, in respect of the rural part of that parish of not less than one pound for the year next previous to his claim to be registered, exclusive of the year in which he registered, and who shall have paid all such taxes as shall be due and payable by him at the time he claims to be registered; provided that no person claiming to vote under this subsection shall be entitled to vote at any election who shall be in arrear for any such taxes.

(5) Who shall be employed at the time he claims to be registered by any private person and shall have been continuously so employed for twelve months next previous thereto

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as an agricultural attorney, manager, book-keeper or clerk, or in the capacity of an agent or upper servant, or in any other capacity except that of a domestic or other menial servant at a salary of not less than four pounds three shillings and four pence per month, and shall have resided for six months next previous to his claim to be registered, and be then residing in the parish or City of Bridgetown for which he claims to be registered; and no person so registered as a voter under this subsection shall be entitled to vote at any election for any parish or town unless he shall be bona fide so employed therein at the time of such election.

(6) Who shall have a clear income at the rate of not less than fifty pounds per annum at the time he claims to be registered and shall have had the same for twelve consecutive months next previous thereto, derivable from any pension, occupation, office, or trade other than that of domestic or menial servant or any employment of the like, or of a menial nature, and who shall have resided for six months next previous to the time he claims to be registered and be then residing in the parish or City of Bridgetown for which he so claims to be registered; and no person so registered as a voter under this subsection shall be entitled to vote at any election for any parish or town unless he may be bona fide so residing therein at the time of such election.

(7.) Who shall be in the actual receipt of a clear income at the time he claims to be registered, and shall have had the same for one year next previous thereto of not less than fif-

teen pounds per annum, charged on real estate in this Island or derived as interest from money or capital secured by mortgage or other security over real estate in this Island, or being dividends derived from debentures or shares of any Company incorporated by Act of this Island and who shall have resided for six months next previous to the time he claims to be registered and be then residing in the parish or City of Bridgetown for which he so claims to be registered.

(8) Who is recognized as a barrister, solicitor, physician or surgeon, or who holds the degree of B.A.; M.A.; or any other degree of any University of the United Kingdom of Great Britain and Ireland, or a testamur from Codrington College, and who shall have resided for six months next previous to the time he claims to be registered and be then residing in the parish or the City of Bridgetown for which he so claims to be registered; and no person so registered as a voter under this sub-section shall be entitled to vote at any election for any parish or town unless he may be bona fide so residing therein at the time of such election.

(9.) Who shall be a bona fide lodger in any house in any parish or in the City of Bridgetown for which he claims to vote rated at not less than fifty pounds per annum and shall as such lodger pay a stipulated sum of not less than at the rate of fifteen pounds per annum, and who shall have been continuously an occupant in any house as such lodger for at least six months next previous to his claim to be registered and be at the time of election occupying as aforesaid.

And no person shall be entitled to vote in the election of a member or members to serve in the House of Assembly unless he shall possess one of the qualifications above-mentioned, and unless he shall be registered according to the provisions hereinafter contained ; provided always that when any lands or tenements or the rents and profits thereof which would otherwise confer the right of voting shall come to any person at any time within the said period of twelve months mentioned in sub-sections one and two by descent, succession, marriage, marriage settlement, devise or promotion to any benefice in a church, or by promotion to any office, such person shall be entitled in respect thereof to have his name inserted as a voter in the election of a member or members to serve in the Assembly in the list then next to be made by virtue of this Act as hereinafter mentioned, and upon being duly registered according to the provisions hereinafter contained, to vote at such election.

Annual value of house determined by parochial assessment

4. The annual value of any house, or houses or tenements, in respect of which any right to vote shall be claimed, shall be determined in the first instance, and until an objection is made thereto, according to the amount at which the same shall be rated for the purpose of parochial or general taxation, but when any objection shall be made to such rate or if such property shall not be rated, then the value thereof shall be proved to the satisfaction of the persons by this Act authorized to register votes.

As to joint occupation.

5. All joint tenants, and tenants in common, who shall have and be beneficially in-

interested in an estate of freehold for their own lives or for the life of another or for any lives whatsoever or in right of marriage or for some greater estate in any lands or tenements in this Island shall be qualified to vote in the election of any member or members for the Assembly; provided the said lands and tenements shall be worth, or the rent payable for the same, shall be at least as many times five pounds per annum as there are joint tenants, or tenants in common of the same.

6. The premises in respect of the occupation of which any person shall be entitled to vote as an occupant, or lodger as aforesaid, in the election of a member or members for the Assembly shall not be required to be the same premises, but may be different premises, occupied in immediate succession by such person as such occupant, or lodger during the six months next previous to his claim to be registered. As to successive occupations.

7. When any premises as aforesaid shall be jointly occupied by more persons than one as tenants under sub-section three of section three, each of such occupiers shall be entitled to vote in the election of a member or members to serve in the General Assembly; provided the clear yearly value of such premises shall be an amount which, when divided by the number of such occupiers, shall give a sum of not less than fifteen pounds for each and every such occupier, but not otherwise. If value sufficient each joint occupant a vote.

8. Co-partners in trade or business shall be entitled to vote in the election for members to serve in the General Assembly.— Each co-partner a vote, if taxes sufficient.

in respect of such taxes as aforesaid, paid by them, provided the whole amount of such annual taxes shall give an amount of at least for the City of Bridgetown two pounds for each; and with regard to the elections of members to serve in the General Assembly for the parishes of this Island in respect of such taxes as aforesaid paid by them, provided the whole amount of such annual taxes shall give an amount of at least one pound for each.

**Mortgages in actual possession a vote ;
Mortgagor in possession a vote.**

9. No mortgagee of any lands or tenements shall have any vote in the election of a member or members to serve in the Assembly for or by reason of any mortgage estate therein, unless he be in the actual possession or receipt of the rents and profits thereof; but the mortgagor in actual possession or in the receipt of the rents and profits thereof shall and may vote for the same notwithstanding such mortgage; and no trustee of any lands or tenements shall in any case have a right to vote in any such election for or by reason of any trust estate therein, but the cestuique trust in actual possession or in receipt of the rents and profits thereof, though he may receive the same through the hands of the trustee, shall and may vote for the same notwithstanding such trust.

If qualifying property in different parishes, vote in parish where greater part lies.

10. Where lands or tenements situate in two or more parishes shall join but shall not be of sufficient value in each parish to qualify the person possessed of the estate or interest therein to vote in each parish, but shall be sufficient value to qualify him to vote in one parish, such person shall be qualified to vote in the election of any mem-

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ber or members to serve in the Assembly for the parish in which the greater part of the said lands or tenements lie.

11. (1) The registering officer for the city Registering officers. of Bridgetown shall be the senior police magistrate for district 'A'; the registering officer for the rural part of the parish of Saint Michael shall be the junior police magistrate for district 'A'; and the registering officer for each of the remaining parishes shall be the police magistrate of the parish.

(2) In case any parish shall be without a police magistrate, or such police magistrate shall from any sickness or other cause be unable to register the votes of such parish it shall and may be lawful for the Governor of this Island by and with the advice of the Executive Committee, to nominate and appoint some fit and proper person residing in such parish to register the votes of such parish, and make out such lists as aforesaid.

Registration of votes.

12. Between the first day of January and the thirty-first day of January (inclusive) in Conditions of registration. every year, every person who shall be entitled to be registered as a voter in the election of members to serve in the General Assembly for any parish in this Island or for the City of Bridgetown in respect of any property situate wholly or in part in the said parish or City, or in respect of any parochial taxes paid to such parish or in respect of any other qualification mentioned in this Act, shall deliver to the registering officer a claim according to the form contained in

Schedule A to this Act annexed or to the like effect, duly sworn before any police magistrate or justice of the peace and shall produce the deed or deeds under which any such claim is made or a certified copy or copies or any extract or extracts thereof from the Colonial Secretary's Office of this Island, where the claim shall be in respect of any land or tenements or the rents and profits thereof, the deed or deeds whereof are required by this Act to be recorded, or produce such other evidence as may be necessary to establish his claim as such voter; and the registering officer shall inquire into, examine and investigate the qualification in respect of which such claim is made and take such evidence as may be necessary to have it proved to his satisfaction that the person making such claim possesses the qualification in respect of which he makes his claim as a voter, and if the registering officer shall be satisfied that the person making such claim possesses the qualification in respect of which such claim is made, he shall register such person in manner hereinafter mentioned; but if the registering officer shall not be satisfied that the person making such claim possesses the qualification in respect of which such claim is made he shall disallow such claim. Provided that no person whose name shall be upon the register for the time being of voters whose claim shall have been already admitted, shall be required thereafter to make any such claim as aforesaid so long as he shall retain the same qualification, and in case of qualifications depending upon

residence, so long as he resides in the same parish or in the city of Bridgetown as when his claim was admitted. But the registering officer shall during the month of January in every year endeavour to ascertain if any of the persons who were so admitted as voters in the list made up as hereinafter mentioned in the year immediately previous have ceased to retain the qualifications in respect of which they were registered, or if any of them be dead; and shall in the next register to be made up by him in the month of February following as hereinafter mentioned, write the words "objected to" against the name of any person whom he has reasonable cause to believe has ceased to retain the same qualification in respect of which he was registered, and shall write the word "dead" against the name of every person whom he has reasonable grounds for believing to be dead.

13. The registering officer for the City Registering officer of Bridgetown and for each of the several to prepare lists, parishes shall make out, or cause to be made out, in the form contained in Schedule B alphabetical lists of all persons who shall claim to be inserted in such lists as voters in the election of members to serve in the Assembly for the City of Bridgetown and the several parishes of this Island, and whose claims shall be admitted by such registering officer for such city or parish, and they shall likewise make out similar lists in the form contained in Schedule C of all persons whose claims shall be disallowed; and the registering officer for such city or parish shall on or before the

seventh day of February in every year make out or cause to be made out and sent to the revising barrister lists containing the names of all persons who shall be upon the registers for the time being as such voters and whose claims shall have been admitted, taking care to write the words "objected to" against the names of every person who he has reasonable cause to believe has ceased to retain the qualification in respect of which he was registered, and to write the word "dead" against the name of every person who he has reasonable grounds for believing to be dead, and also the names of all persons who shall claim to be inserted in such last mentioned list as such voters, and whose claim shall be also admitted and also lists of all persons whose claim shall be disallowed, but the last mentioned lists shall not include the names of persons who shall be upon any former list of persons whose claims shall have been disallowed, unless such persons shall make fresh claims; and the registering officer for such city or parish may correct any mistake which shall be proved to him to have been made in any such list; and the registering officer for such city or parish shall in open court write his initials against the names respectively struck out and against any part of the list in which any mistake shall have been made, and shall sign his name to every page of such lists and the names of the several persons in each of such lists shall be numbered in consecutive order beginning with the number one, but so that no person regis-

tered for more than one qualification shall have an additional number against his name but every subsequent qualification shall immediately follow the first qualification.

14. The Parochial Treasurer of every Parochial Treasurers parish in this Island, shall within ten days to furnish lists of after the application of the registering officer taxpayers. for the City of Bridgetown or for such parish, and which application shall be made at least five days previously to the first day of January in each year, furnish correct lists of all persons paying parochial taxes to the amount of one pound and upwards to any such parish, and who shall have paid such taxes for two years previously, and the owners of all houses parochially taxed in respect of the rents of such houses, and the amount of rent at which every such house shall be rated in the parish books for the like period of two years, and in default thereof, every Parochial Treasurer shall forfeit and pay to Her Majesty, her heirs and successors, a sum not exceeding fifty pounds to be recovered in a summary manner before a police magistrate on the complaint of any person, and to be paid into the Public Treasury for the uses of the Island.

Revision of voters list.

15. The list of voters for the several parishes and for the City of Bridgetown shall be revised annually by the Solicitor General, hereinafter referred to as "the revising barrister," who shall immediately after the expiration of the month of February in each year hold an open court to be

Revision of lists by
Revising Barrister.

called "the revising court" at the several offices of the rural police magistrates, and at some place within the city of Bridgetown to be approved of by the Governor, having first given seven days notice of the holding of such court in the Official Gazette, and the revising barrister shall have power to adjourn such court, and the revising barrister shall within four months make his return of the revised lists. And the registering Officer of each parish and the City of Bridgetown shall furnish the revising barrister with the several claims of voters made before him and the several lists made by him in accordance with the provisions of this Act, and also with the lists furnished to him by the Parochial Treasurer of each of the several parishes, and all other papers relating to the registering of the voters, and shall, if required, attend the revising Court to be held for any Parish or the said City, and shall answer upon oath all such questions as the revising barrister may put to him touching any matter necessary for revising the said list of voters, and the revising barrister shall take such steps as he may deem necessary for enquiring into and adjudicating upon the cases of those voters on the lists against whose names the registering officer for any parish or for the City of Bridgetown shall have marked the words "objected to" or the word "dead". And upon the revising barrister having proved before him to his satisfaction that the persons against whose names the words "objected to" shall be written had ceased to possess the qualifica-

tions in respect of which they had been registered and that the persons against whose names the word "dead" shall be written were dead, he shall expunge the names of such persons from the admitted lists of voters and make a note at the end of the said lists that the same were so expunged by him; but if he shall find that the persons against whose names the words "objected to" were written or any of them still possess the qualifications in respect of which they were registered, or that the persons or any of them against whose names the word "dead" was written were not dead he shall in each such case strike out the words "objected to" or the word "dead," as the case may be, and make a note at the end of the said lists that the same were so struck out by him.

16 The Solicitor General shall not by reason of his having to perform the duties of revising barrister be disqualified from being elected or serving as a member of the General Assembly of this Island.

17. If the Solicitor General shall be also a member of the General Assembly the Governor-in-Executive Committee shall appoint a barrister practising in the courts of this Island, or if the services of such barrister cannot be obtained then such other person as the Governor-in-Executive Committee may select, to revise the list of voters of the constituency which may be represented by the Solicitor General, and such barrister or other person shall in all respects conform and be subject to the provisions of this Act, and shall be paid

as remuneration for his services on the warrant of the Governor-in-Executive Committee the sum of fifteen pounds.

Objections to registration by voters.

18. Every person who shall be upon the register for the time being of voters for any parish of this Island or for the City of Bridgetown, may object to any person as not having been entitled to have his name inserted in any list of voters for such parish or city; and every person so objecting, except the registering officer objecting in the manner hereinbefore mentioned, shall within the month of February give or cause to be given a notice in writing according to the form in Schedule D hereto annexed or to the like effect to the revising barrister; and the person so objecting shall within the said month, give to the person objected to, or leave it at his place of abode as described in such list or that of his constituted attorney, a notice in writing according to the form in Schedule E to this Act annexed.

Rights and duties of Revising Barrister.

19. The revising Barrister shall also perform the duties and have the powers following;

(1.) He shall correct any clerical or other manifest mistake which is proved to him to have been made in any list.

(2.) He may correct any mistake which is proved to him to have been made in any claim or notice of objection.

(3.) He shall expunge the name of every person objected to whose qualification as stated in any list is insufficient in law to entitle such person to be included therein.

(4.) He shall expunge the name of every person who whether objected to or not is

proved to the revising barrister to be dead.

(5.) The revising barrister shall have power to enquire into the qualification of any person whose name appears on the voters' list of the City of Bridgetown or of any parish, and expunge the name of such person from the list if it is proved on oath to his satisfaction that such person did not on the thirty-first day of January then next preceding possess the qualification in respect of which he was registered; provided always that such person shall have been first duly summoned to appear before the revising barrister's court to show cause why his name should not be expunged from the list.

(6.) He shall expunge the name of every person objected to whose name or place of abode or the nature of whose qualification or the name or situation of whose qualifying property, if the qualification is in respect of property, or any other particulars which are by law required to be stated in the list is or are either wholly omitted or in the judgment of the revising barrister insufficiently described for the purpose of being identified unless the matter or matters so omitted or insufficiently described be supplied to the satisfaction of the revising barrister before he shall have completed the revision of the list in which the omission or insufficient description occurs, and in case such matter or matters shall be so supplied he shall then and there insert the same in such list.

(7.) He shall expunge the name of every person objected to where it is proved to the revising barrister that such person was on

the last day of January then next preceding incapacitated by any law or statute from voting at any election to which the list relates.

(8.) Subject as herein provided the revising barrister shall retain the name of every person objected to unless the objector appears by himself or by some person on his behalf in support of his objection.

(9.) If the objector so appears the revising barrister shall require him to prove that he gave the notice or notices of objection required by this Act to be given by him and to give prima facie proof of the ground of objection, and for that purpose may himself examine and allow the objector to examine any person on oath touching the alleged ground of objection, and unless such proof is given to his satisfaction shall, subject as herein provided, retain the name of the person objected to.

An objection made by the registering officer of the City of Bridgetown or of any of the parishes shall be deemed to cast upon the person against whose name the words "objected to" are written in the list the burden of proving his right to be on the list. The prima facie proof shall be deemed to be given by the objector if it is shewn to the satisfaction of the revising barrister by evidence, repute or otherwise, that there are reasonable grounds for believing that the objection is well founded, and that by reason of the person objected to not being present for examination, or for some other reason the objector is prevented from discovering or proving the truth respecting the entry objected to.

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(10.) If such proof is given by the objector as herein prescribed then unless the person objected to appears by himself or by some person on his behalf, and proves that he was entitled on the last day of January then next preceding to have his name inserted in the list in respect of the qualification described in such list the revising barrister shall expunge the name of the person objected to.

(11.) Where the matter stated in a list or claim or proved to the revising barrister in relation to any alleged right to be on any list is in the judgment of the revising barrister insufficient in law to constitute a qualification of the nature or description stated or claimed but sufficient in law to constitute a qualification of some other nature or description, the revising barrister if the name is entered on a list for which such true qualification in law is appropriate shall correct such entry by inserting such qualification accordingly, and in any other case shall insert the name with such qualification in the appropriate list and shall expunge it from the other list, if any, in which it is entered.

(12.) Except as herein provided, no evidence shall be given of any other qualification than that which is described in the list or claim as the case may be, nor shall the revising barrister be at liberty to change the description of the qualification as it appears in the list except for the purpose of more clearly and accurately defining the same.

(13.) Where the name of any person ap-

pears to be entered more than once on the list of voters for the City of Bridgetown or any of the parishes for the same parish the revising barrister shall enquire whether such entries relate to the same person, and on proof being made to him that such entries relate to the same person he shall place each of the qualifications in consecutive order under each other and strike out the name of such person appearing on the list more than once, so that the name of such person shall not appear more than once on the same list.

Summons to person objecting & objected to.

20. The revising barrister shall by summons under his hand require the attendance of the person objecting, and the person objected to or of any person whom he may think fit to examine or cause to be examined in respect of the matters aforesaid, and may examine and cause to be examined upon oath or affirmation as the case may require, parties and witnesses by word of mouth, and he may by writ require such attendance, and order to be produced before him any deeds, writings or evidence, and every person disobeying such writ shall be considered as in contempt of the court, and shall be liable to forfeit a sum not exceeding ten pounds to be paid into the public treasury for the uses of the Island, to be recovered before any Police Magistrate on complaint of the revising barrister in a summary manner.

Affidavit in lieu of attendance.

21. Any person whose name appears on the list of voters who has been summoned to appear before the Revising Barrister's Court on the ground that his qualification to remain on the voters' list has been objected to

by the registering officer, or by an elector, or who has been summoned to show cause why the revising barrister should not expunge his name from the list, may make before any Police Magistrate or Justice of the Peace of this Island and send to the revising barrister in due time before the return day of the summons through the post office, free of postage dues, an affidavit in the form or to the effect in schedule F to this Act annexed, and thereupon such person shall be excused from attending the court.

22. In case the several persons whose names appear on the voters' list, and against whom objections have been made by the registering officer or by an elector, or who have been summoned by the revising barrister to show cause why their names should not be expunged from the list, admit by the affidavit in the last preceding section mentioned that they had ceased to retain their qualifications as aforesaid, the revising barrister need not attend the several police courts or place appointed within the City of Bridgetown to hold the revising court as advertised, but may revise the lists at his office in Bridgetown and there take evidence of the death of any voter whose name shall be on the list.

23. The revising barrister when he shall have completed revising the said lists shall certify the same and forthwith transmit them to the Secretary's Office of this Island and the Colonial Secretary shall forthwith cause the said lists to be bound together at the public expense into one volume as the register of voters for the year, and such

Revising Barrister may revise voters lists at his office under certain circumstances.

Revised lists to be sent to Colonial Secretary's office.

register shall be deemed the register of the electors to vote in the choice of members to serve in any future Assembly of this Island which shall take place next after the revision of the said list and every person whose name shall be in such register shall have free access thereto and shall be at liberty to take copies thereof or extracts therefrom gratis, and the revising barrister shall return to each registering officer all the other papers delivered by him to the revising barrister, and such papers so returned shall be kept by the registering officer in his office for the purpose of any further registration.

Appeal from Revising Court.

Appeal from revis-
ing court to court of
common pleas.

24. It shall be lawful for any person who under the provisions hereinbefore contained, shall have made a claim to have his name inserted in any list, or made any objection to any person as not entitled to have his name inserted in any list, or whose name shall have been expunged from any list, and who in any case shall be aggrieved by or dissatisfied with any decision of the court on any point of law material to the result of such case, either himself or by some person in his behalf, to give to the court before the rising of the said court on the same day on which such decision shall have been pronounced, or within three clear days thereafter, a notice in writing that he appeals against such decision, and in such notice shall shortly state the decision against which he appeals; and the court thereupon, shall state in writing the facts which according to

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its judgment shall have been established by the evidence in the case and which shall be material to the matter in question, and shall also state in writing its decision upon the whole case, and also its decision upon the point of law in question appealed against; and such statement shall be made as nearly as conveniently may be in like manner as is usual in stating any special case for the opinion of the Court of Common Pleas, and the said court shall read the statement to the appellant, and shall then and there sign the same; and the said appellant or some one in his behalf shall at the end of the said statement make a declaration in writing under his hand to the following effect, that is to say "I appeal from this decision," and the court shall then endorse upon every such statement the name of the city or parish to which the same shall relate, and also the christian name and surname and place of abode of the appellant and of the respondent in the matter of the said appeal, and shall sign and date such endorsement; and the court shall deliver such statement with such endorsement thereon to the said appellant to be by him transmitted to the Court of Common Pleas in the manner hereinafter mentioned; and the court shall also deliver a copy of such statement with the endorsement thereon to the respondent in such appeal who shall require the same, and the said revising barrister shall, if necessary, hold promptly a special court for the purpose of settling the preliminaries of such appeal or appeals.

25. If in any case it shall appear to the revising court that any person shall under

**Persons making
groundless objec-
tions to pay costs.**

this Act have made or attempted to sustain any groundless or frivolous and vexatious objection to have any name inserted or retained in any list of voters, it shall be lawful for the revising court in its discretion to make such order as it shall think fit for the payment by such person of the costs or of any part of the costs of any person or persons in resisting such objection; and in every such case the revising court shall make an order in writing, specifying the sum which it shall order to be paid for such costs, and by and to whom, and when, and where the same sum shall be paid, and shall date and sign the said order and deliver it to the person or persons to whom the said sum shall therein be ordered to be paid, and the production before any court of the order signed by such revising barrister shall be sufficient evidence of the debt; provided always that the said sum so ordered to be paid by way of costs shall not in any case exceed the sum of five pounds, to be recovered as a debt; provided also that such order for the payment of costs as aforesaid may be made in any case notwithstanding any party shall have given notice of his intention to appeal against any decision of the court in the same case; but in case of such appeal the said order for the payment of costs shall be suspended and shall abide the event of such appeal unless the Court of Common Pleas shall otherwise direct, but no appeal shall be allowed or entertained against or only in respect of any such order for the payment of costs; provided also that whenever any court shall have made any

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such order for the payment of any sum of money for costs by any person who shall have made any objection as aforesaid, it shall not be lawful for the court to hear or admit proof of any other objection or notice of objection made or signed by the same person until the sum of money so ordered to be paid by him for costs be paid to the person entitled to receive the same, or deposited in the hands of the court for the use of the person so entitled.

26. All appeals or matters of appeal from Appeals heard by or in respect of any decision of any revising Chief Justice. court entertained in manner hereinbefore mentioned, shall be prosecuted, heard and determined by the Chief Justice of this Island.

27. The appellant shall lodge with the Prothonotary of the Court of Common Pleas within ten clear days after the decision of the said revising barrister a petition briefly setting forth the grounds of his appeal and appending thereto the original statement signed by the revising barrister; and the Chief Judge shall thereupon fix a day for the hearing of such appeal, notice of which day shall be given in the Official Gazette of this Island, and on that day the parties to such appeal must appear in person or by counsel, and the decision of the Chief Judge on such appeal shall be final. In the event of the non-appearance of the appellant in person or by counsel as above provided the decision of the revising barrister shall stand confirmed, and the Chief Judge shall in any event under his hand have power to refuse costs or to award such costs as he in his discretion shall think fit. And any costs awarded by the

Chief Judge may be recovered in any Petty Debt Court of this Island, and the production of any order for the payment of a specified amount of costs purporting to be signed by the Chief Judge, shall be deemed sufficient evidence of the debt in any court of this Island; provided always that nothing in this section shall restrain or interfere with the powers and privileges of the House of Assembly to deal with and consider the validity of all votes in controverted elections.

Appeals on questions of law only.

28. No appeal or notice of appeal shall be received or allowed against any decision of any revising barrister upon any question of fact only; provided always that if the said Court of Common Pleas shall be of opinion in any case that the statement of the matter of the appeal is not sufficient to enable the court to give judgment in law, it shall be lawful for the Court of Common Pleas to remit the said statement to the revising court by whom it shall have been signed, in order that the case may be more fully stated, and it shall be lawful for either party to file an affidavit in the said Court of Common Pleas, in support of his case.

Lists to be altered by Colonial Secretary in accordance with Chief Judge's decision.

29. Whenever by any judgment or order of the Court of Common Pleas any decision or order of any revising barrister shall be reversed or altered so as to require any alteration or correction of the register of voters for any parish, or for the City of Bridgetown, notice of the said judgment or order of the Court of Common Pleas shall be forthwith given by the said court to the Colonial Secretary, and the said notice shall be in writing under the hand of the Judge

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of the said court, and shall specify exactly every alteration or correction to be made in pursuance of the said judgment or order in the said register. And the Colonial Secretary shall, upon the receipt of the said notice, alter or correct the said register accordingly, and shall sign his name against every such alteration or correction in the said register.

30. No right of voting at any election of a member or members to serve in the General Assembly shall be affected by any appeal pending in the Court of Common Pleas at the time of the issuing of the writ for such election, but it shall be lawful for every person to exercise the right of voting at such election as effectually, and every vote tendered thereat shall be as good, as if no such appeal was pending, and the subsequent decision of any appeal which shall be pending in the Court of Common Pleas at the time of the issuing of the writ for any such election shall not in any way whatsoever alter or affect the poll taken at such election, nor the return made thereat by the sheriff or sub-sheriff.

Pendency of appeal not to affect right of voting.

Issuing of writs, election of members and return of writs.

31. All writs for the election of members to serve in the General Assembly shall be issued by the Governor-in-Executive-Committee in the usual form, and shall be directed to some substantial freeholder or elector in each parish, or substantial freeholder, elector, or citizen of the City of Bridgetown, as sheriffs; and in each such

Writs directed to sheriffs.

case the several writs shall be addressed in the alternative to a second substantial freeholder elector or citizen, as the case may be, as sub-sheriffs, who shall, in case of the inability from any cause of the person first named to perform the duties of sheriff before or at the nomination of candidates or taking of the poll, have full power to discharge such duties and all others appertaining to the office of sheriff, and to make a legal return. The persons to whom the writs shall be addressed as sheriffs and sub-sheriffs or either of them are and is hereby empowered and required to execute the same from the publication of the writs to the closing of the poll and return thereof; provided always that no person to whom the writ is directed as sheriff or sub-sheriff shall stand as a candidate to serve in the Assembly for the parish in which he is acting as such sheriff or sub-sheriff.

Issue and return of writs.

32. All the writs for the election of members to serve in the General Assembly shall issue in one day and be returnable in one day; and they shall all be delivered together by the Colonial Secretary for the time being of this Island to the Provost Marshal of this Island within two days after the same shall be issued, who shall forthwith convey the same to the respective sheriffs and sub-sheriffs to whom the same are directed or to one of them, and who or either of whom within two days from the receipt thereof are and is hereby required to cause notices to be affixed on or near the doors of all the parochial churches, stating the day on and the place at which the elec-

tion for every such parish and City of Bridgetown will commence; and if by the wilful neglect or default of the Colonial Secretary, Provost Marshal, or any sheriff, or sub-sheriff or either of them, any of the said writs shall not be published accordingly, every person so offending shall forfeit and pay to Her Majesty, her heirs and successors the sum of fifty pounds lawful money of this island, for the uses of the island to be recovered by the Colonial Treasurer for the time being by action or actions in the Court of Commn Pleas. And the Colonial Treasurer for the time being is hereby directed and required to prosecute for the same under the penalty of fifty pounds lawful money aforesaid, to Her Majesty, her heirs and successors, to be recovered in a summary manner on the complaint of any elector before either of the police magistrates of Bridgetown; one half to be paid to the informer and the other half to the uses of the said Island.

33. The Colonial Secretary shall before the holding of any election for a member or members to serve in the Assembly of this Island furnish the sheriff or sub-sheriff of every parish, and of the City of Bridgetown where any such election shall be about to be held, with a certified copy of the last lists which shall have been taken of the electors and persons claiming to vote for every such parish or City for which any such election shall be about to be held.

34. Upon calling a General Assembly all elections throughout the Island shall begin between the hours of eight and nine o'clock

in the morning on the Monday next immediately following the second Sunday after the date of the writs for the election of members to serve in the Assembly, and such elections shall be determined by the sheriff or sub-sheriff upon the view and with the consent of the electors then present, unless a poll be required for the determination thereof: in which case such poll shall be taken by the sheriff or sub-sheriff on the Monday next following, commencing between the hours of eight and nine o'clock in the morning, and the sheriff or sub-sheriff before opening the poll shall take an oath which shall be administered by any Justice of the Peace or candidate present who is hereby empowered and required to administer the same which shall be in the form in the schedule G to this Act annexed; and the sheriff or sub-sheriff shall thereupon in an audible voice declare the poll to be opened and the same shall thereupon be deemed to be opened accordingly, and the polling shall continue until the hour of four o'clock in the afternoon of the same day, and no poll shall be kept open later than four o'clock in the afternoon or commence before eight o'clock in the morning; provided always that with the consent of the candidates present, or in the absence of any candidate, of the elector who proposed him, it shall be lawful for any sheriff or sub-sheriff to close the poll previous to the expiration of the time fixed above.

Penalty on sheriff for refusal or neglect.

35. If the sheriff or sub-sheriff appointed to act at any election of members to serve in the Assembly shall wilfully neglect or refuse

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to perform any of the duties imposed upon him by this Act or shall wilfully neglect to take the oath hereinbefore required, every such person shall forfeit to Her Majesty, her heirs and successors, the sum of fifty pounds, one half to be paid to the informer and the other half into the public treasury for the uses of the Island, to be recovered in a summary manner on the complaint of any person before a Police Magistrate.

36. Within one hour after the beginning of Proposal of candidates. any election on the Monday next immediately following the second Sunday after the date of the writs for the election of members to serve in the General Assembly the name of every candidate shall be proposed by an elector having a right to vote, and every candidate, or the person proposing him, shall thereupon, if required so to do by any two electors having a right to vote, declare on oath the nature and particulars of his qualification, such oath to be administered by the sheriff or sub-sheriff, and when a poll is demanded no person's name shall be set on the poll except such as have been duly proposed on the Monday previous to the day of polling, and whose qualification shall have been duly sworn to as hereinbefore required.

37. Whenever a vacancy shall occur in the Bye-elections. representation of any constituency and a writ shall be issued for the election of a member to fill such vacancy, the election shall be held and taken in every respect in the manner hereinbefore prescribed.

38. If on the day of election any candidate or the person proposing him shall refuse or

Election of one candidate and special return.

decline to swear to the qualification of such candidate as hereinbefore provided and there shall be only one candidate left, it shall be lawful for the sheriff or returning officer to declare only one member elected and to make a special return on the writ setting forth the facts of the case, and thereupon a writ shall issue on the address of the Assembly for the election of a member to fill the vacancy occasioned thereby.

Place for holding elections.

39. All elections of members to serve in the Assembly shall be held in such convenient place to the electors within each parish and in the City of Bridgetown as the Parochial Treasurer for the time being of each such parish shall provide, which he is hereby required to do, but the election of members for the parish of Saint Michael and the City of Bridgetown shall be held in separate buildings, and in case there shall not be any proper public building or buildings suitable for holding the elections the said Parochial Treasurer shall be, and he is hereby authorized to hire a convenient house or room for the purpose aforesaid, and to charge the cost thereof to the parish, and the said Parochial Treasurer shall at a reasonable time before the holding of an election, give notice in writing of the place appointed for that purpose by affixing on or near to the doors of all the churches, chapels, or licensed places of worship within such parish and the City of Bridgetown, and also by publishing such notice in the Official Gazette a reasonable time previously to the holding of any election; and any Parochial Treasurer who shall neglect his duty in any

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of the particulars aforesaid shall incur a penalty not exceeding fifty pounds to Her Majesty, her heirs and successors, to be recovered on the complaint of any elector in a summary manner, and paid into the public treasury.

40 The Parochial Treasurer of every parish in this Island shall provide and constantly keep to be made use of at elections, convenient tables, with seats suitable thereto, for the sheriff and sub-sheriff, and their assistant, and the candidates at the election of members to serve in the Assembly to sit on, and no other person whosoever shall presume to stand near the poll; but all others shall keep at a convenient distance of ten feet, leaving a sufficient passage for any person to come to the lower end of the said table to vote, which shall be done but by one person at a time who having voted shall forthwith withdraw; provided nevertheless, that every candidate may appoint an elector to assist at the poll on his behalf, and to act with the same privilege as himself, or in the absence of any candidate, the elector who shall propose him as a candidate shall have the privilege of acting on his behalf. Conduct and arrangement of proceedings at elections

41. All expenses incurred by any Parochial Treasurer in carrying into effect the provisions of this Act shall be allowed him in the passing of his accounts before the vestry of the parish for which he shall be Parochial Treasurer. Parochial treasurer's expenses allowed.

42. The Inspector-General or other person at the head of the police is hereby required to send two police officers at least to attend Preservation of order.

such elections, and keep the peace and obey the orders of the sheriff or sub-sheriff.

Preparation of poll. 43. Upon all elections of members to serve in the Assembly the sheriff or sub-sheriff may appoint a competent person to assist him or them at the poll, who shall be paid a sum not exceeding one pound by the Parochial Treasurer for the parish for which such election was held, or for the City of Bridgetown, but no person shall be appointed as aforesaid who has been employed by any other person in or about the election.

Enquiries permitted at elections. 44 In all elections whatever of members to serve in the General Assembly, no inquiry shall be permitted at the time of polling as to the right of any person to vote, except only as hereinafter provided, that is to say, the sheriff or sub-sheriff shall, if required, on behalf of any candidate, put to any voter at the time of his tendering his vote, and not afterwards the questions set forth in the schedule marked H to this Act annexed, or any of them, and no other, specifying in each case the particulars of the qualification as described in the register; and if any person shall wilfully make a false answer to any of the questions aforesaid, he shall be subject to a penalty of fifty pounds to be recovered in a summary manner on the complaint of any elector before any police magistrate, one half to be paid to the informer and the other half into the public treasury of this Island; and if not paid within fourteen days after the final judgment such offender shall be committed to prison for a period of three months, and the sheriff or sub-sheriff shall (if required

on behalf of any candidate at the time aforesaid) administer an oath, (or in case of a Quaker or Moravian or other person objecting to take an oath, an affirmation) to any voter in the form as in the schedule marked J to this Act annexed. And no elector shall hereafter, at any such election, be required to take any oath or affirmation, except as aforesaid, either in proof of his freehold, age, or other qualification or right to vote; and no person claiming to vote at any such election shall be excluded from voting thereat except by reason of its appearing to the sheriff or sub-sheriff upon putting such questions as aforesaid, or any of them, that the person so claiming to vote is not the same person whose name appears on such register as aforesaid, or that he has previously voted at the same election, or that he has not the same qualification for which his name was inserted in such register, or except by reason of such person's refusing to answer the said questions or either of them or to take the said oath or make the said affirmation.

45. After the poll shall be closed upon any ~~Proceedings on close~~ election, and before the person acting as ~~of poll.~~ sheriff or sub-sheriff shall depart from the place of election, the two candidates who shall have the majority of votes, shall be publicly declared by the sheriff or sub-sheriff to be duly chosen representatives for such parish or the City of Bridgetown, and the persons so declared to have been chosen as members to serve in the Assembly shall be returned by the sheriff or sub-sheriff as such to the Governor-in-Executive-Com-

mitted for the time being, on the day appointed by the writ for the return thereof; but it shall not be in the power of such sheriff or sub-sheriff to make any special return thereof, unless it shall so happen that any of the candidates have an equal number of votes; and upon such return the sheriff or sub-sheriff shall take the oath in the form in the schedule marked K to this Act annexed before the Governor-in-Executive Committee such oath to be administered to him by the Clerk of the Executive Committee.

Freedom of elections.

46. If any person shall presume to violate the freedom of election for members to serve in the Assembly by menaces or threats on account of any elector having voted, or refrained from voting, or shall bribe any elector, such person so offending shall, upon due proof thereof, forfeit and pay the sum of fifty pounds for each offence, to be recovered in a summary manner on the complaint of any elector before any police magistrate, one half for the use of the informer and the other half to be paid into the public treasury, for the use of the Island, and every such person so offending if he be elected a member of the Assembly shall upon the House being satisfied either upon the due proof or otherwise, be by them or the major part of them expelled the House for the session; provided always that any complaint under this section shall not be brought except within one month after the date of the alleged offence.

47. Every person who shall be elected a member of the Assembly, before voting or

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sitting therein during any debate shall deliver in to the Clerk of the Executive Committee a statement in writing signed by such member, of his qualification in the form in the schedule marked L, to this Act annexed, and shall make and sign the declaration in the form in the schedule, marked M, to this act annexed, before the Governor in Executive Committee. And every person who shall be elected a member of the Assembly before voting or sitting therein shall take the oath of allegiance.

48. Any person elected a member of the Assembly who shall wilfully and knowingly give in a false statement of his qualification, or who shall make a false declaration of such qualification, shall forfeit the sum of fifty pounds to Her Majesty, her heirs and successors, one half to the use of the elector who shall sue for the same, and the other half to the use of the public, which forfeiture shall be recoverable in an action of debt with costs, and the person convicted of having made such false statement or declaration shall not be eligible to sit in the then existing or in any future House of Assembly. **Penalty, on false declaration.**

49. The election of any person elected a member of Assembly who shall presume to sit and vote before having made the statement and declaration and taken the oaths by this act required to be made and taken shall be void, and a new writ shall be issued. **Election void, when.**

50. Each parish and the City of Bridgetown shall as hitherto return two members to serve in the General Assembly of this Island. **Number of members**

51. Twelve or any greater number of **Quorum.**

persons elected, returned and sworn as members of the General Assembly of this Island, and meeting and joining together as such, shall be deemed and allowed as a quorum of the said General Assembly, sufficiently qualified and empowered to act and proceed as a General Assembly of this Island, to all intents and purposes whatsoever, under the limitations of this Act, and no number under twelve of such members shall be qualified and empowered to act or proceed as a General Assembly of this Island, upon any account whatsoever.

Issue of new writs,
on failure of any
writs.

52. Upon failure of the publication of any writ or writs, issued for the election of members to serve in the Assembly in any parish or parishes, or for the City of Bridgetown, or of an election being made, pursuant to such writ, at a general election, the members elected and returned for the other parishes and for the City of Bridgetown may and shall, immediately after being sworn, provided there be a quorum, make choice of their Speaker, and other officers, and settle the rules of their House appoint the salary of their chaplain, clerks, and marshal, and address the Governor-in-Executive-Committee, that new writs may issue for such parish or parishes or the City of Bridgetown in which the first writ failed; in case of the failure of more than one writ they shall not go upon any other business whatever till representatives shall be chosen and duly returned by virtue of such new writs. And within six days next after such address being presented to the Governor a new writ or writs shall issue for electing members to

serve in the Assembly in every such parish or in the City of Bridgetown where any former writ failed of being published in the same manner as writs are before in this Act directed to issue.

53. If any member of the General Assembly shall be called up to the Legislative Council or shall accept any office which by any act of this Island a member of the Assembly is disqualified from holding or from serving as a member of the Assembly, or shall accept any office of profit or emolument under the Crown, or shall be absent from the Island without leave for a period of forty days, his election shall be and is hereby declared to be void, and a new writ for the election of another member in the place of such member shall be issued in the manner hereinbefore prescribed within forty days after the Governor shall be addressed for the same by the General Assembly; Provided always that the Assembly may grant leave from time to time to any of their members to go off or remain from the Island or otherwise to be absent from the House for any time not exceeding six months, and provided that nothing herein contained shall be construed to prevent any member vacating his seat by accepting any office of profit under the Crown from being re-elected.

54. Any person elected a member of the Assembly may, either before or after taking his seat, withdraw from the Assembly by signing and addressing a letter to the Speaker signifying that he is desirous of withdrawing from the House; and if the Speaker is satisfied of the authenticity of the letter purport-

Seats of members, in what cases vacated.

Resignation of members.

ing to come from such person, he shall upon the reading of the said letter in the Assembly direct that the receipt thereof be noted on the Order Paper; and at the following meeting the matter shall be called as the first order, when the Speaker shall direct the letter to be recorded upon the Minutes, and upon this being done the seat shall be vacant; provided however that if a motion be made in the House that such letter of resignation be not entertained, such letter of resignation shall not be entertained and such seat shall not be deemed vacant except a majority of two thirds of the number then present agree that such letter and resignation be entertained and such seat be vacant.

On resignation, address for new writ.

55. Upon the resignation of any member elected to the Assembly as provided for in the last preceding section an address shall forthwith be passed and forwarded to the Governor-in-Executive-Committee, asking him to issue a writ for the election of a member in the place of the member so resigning, and the Governor-in-Executive-Committee shall within fourteen days after receiving such address issue the writ, and upon the writ being issued the election shall take place as in any case of a seat being or becoming vacant.

Penalty on acting as a member without having been elected and sworn.

56. If any person shall presume to come into the House of Assembly and act as a member thereof, who hath not been chosen, returned and sworn according to the provisions of this Act, and the true intent and meaning thereof, every such person shall forfeit and pay the sum of one hundred pounds to Her Majesty, her heirs and suc-

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cessors, to be recovered in a summary manner on the complaint of the Clerk of the House before any police magistrate, and such sum shall be paid into the public treasury for the use of the public.

57. If any person or persons, who on any occasion whatsoever may appear before the General Assembly of this Island, shall misbehave himself or themselves towards the said Assembly or any of the members thereof, either by uttering any unhandsome language or otherwise during the sitting of such Assembly, the Speaker of the said Assembly shall have and hereby hath full power and authority to commit all and every such person or persons to Glendairy Prison or any prison or house of correction for the detention of peacebreakers or first class misdemeanants of this Island, there to remain without bail or mainprize, until he or they shall duly submit himself or themselves to the house, or during the continuance of that Assembly. Committal by the Speaker.

58. No General Assembly of this Island shall be or continue in force for more than one year at any one time to be computed from their first meeting as an Assembly. Duration of Assembly.

59. If any member of the General Assembly shall obstinately refuse to yield due obedience and conform himself to the several rules of the House, it shall be in the power of a majority of members then present, to expel such member from the Assembly, and in all cases where any member shall be expelled the House, the Governor shall be forthwith addressed by the House to issue a new writ for the election of another mem- Expulsion of members.

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ber to serve in the room of such member so expelled.

Trial of Controversies.

Determination of
controverted elec-
tions vested in House
of Assembly.

60. It is the right and privilege of the General Assembly of this Island, to judge and determine of the truth and legality of the election of any member or members chosen, where there shall be any dispute or controversy of the same; and the truth and legality of all elections of any member or members to serve in the Assembly, when any dispute shall arise touching the same, shall be tried by the representatives of the the people of this Island only; and the members of the Assembly shall by plurality of voices, decide all such controverted elections.

Petition, when filed.

61. In all controversies which shall arise on the return of any member or members to serve in the General Assembly, all persons who shall controvert the election of any such member or members shall lodge their petitions for that purpose in writing with the Clerk of the Assembly within seven clear days next after the first meeting of the said Assembly after any general election, or within seven clear days after the election of any member or members, at any separate or occasional election, and shall attend and prosecute the same within such time or times as the said Assembly shall appoint, and no petition for controverting any election shall be received by the Clerk of the Assembly after the time hereinbefore appointed; and before the hearing of any such petition the Speaker shall take the oath or affirmation mentioned

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in schedule N to this Act annexed before the Governor of this Island for the time being, who is hereby empowered to administer the same and give a certificate thereof, and afterwards the Speaker shall administer to every member of the Assembly present the like oath or affirmation, and any member who shall refuse to take such oath or affirmation shall be expelled the House ; and the Speaker of the Assembly is hereby empowered to issue summonses for witnesses, and to examine on oath or affirmation any witness or witnesses touching or relating to any such controversy; and if any person duly summoned as such witness shall refuse or neglect to attend, and if any person so summoned, and attending, or who, though not summoned, shall happen to be present at such controverted election, and being called upon to give testimony therein shall refuse to be sworn, or to make affirmation, or when sworn, to answer all such questions as shall be demanded of him or her by the General Assembly, bearing upon the issue or issues before the House, every such offender shall by the Speaker of the General Assembly be committed to Glendairy Prison or any prison or house of correction for the detention of peacebreakers or first class misdemeanants, there to remain without bail or mainprize during the continuance of that Assembly, or till otherwise discharged by order of the House.

62. Upon the controverting of any election the petitioner or any person defending such election or return shall be at liberty to impeach the correctness of the register of voters in force at the time of such election

Voters lists can be impeached on trial.

by proving that in consequence of the decision of the registering officer, or revising barrister, or the Chief Justice, the name of any person who voted at such election was improperly inserted or retained in such register, or the name of any person who tendered his vote at such election was improperly omitted on the list of admitted votes; and the House of Assembly after determining any petition complaining of an undue election shall alter the poll taken at such election according to the truth of the case; and the return shall be amended or the election declared void, as the case may be, and the register corrected accordingly.

List of voters objected to, when to be delivered.

63. Each party shall upon controverted elections of members of the General Assembly at least ten days before the hearing of such controversy, deliver to the Clerk of the Assembly a list of the several freeholders or persons whose votes are intended to be objected to and controverted, and also cause such persons to be duly summoned to attend the House; and the Clerk shall furnish each party with a copy of the list, if applied for, and no objection whatsoever shall be admitted to any person's vote whose name shall not have been given in to the clerk, or who shall not have been so summoned as aforesaid and at the time of delivering such list the person controverting shall in such list also insert the objections intended to be made to the qualifications of the respective voters, which and no others he shall be at liberty to establish at the hearing of such controversy; and the clerk shall furnish such members of the House as shall send for them

copies of such lists and objections, and likewise the other candidate in case of an application and in petitions or cross petitions upon any election the party preferring the same shall specify the objections or disqualifications of or against the other candidate, and they shall not be permitted at the hearing of such controversy to enter upon any matter relative to the disqualification of such candidate not specially stated in such petition or cross petition. And when any petition shall be filed for controverting the seat of a member the Clerk of the General Assembly shall forthwith give notice thereof in writing to the member, and it shall be lawful for such member within seven clear days exclusive of the day when such notice was received from the clerk to file a cross petition if he shall see fit, and everything shall be done by the person filing such cross petition as if it were a petition for controverting an election.

64. A summons under this Act shall be deemed good and effectual, though not personally served, if left at the habitation or last known place of abode of the person intended to be summoned. *Service of summons.*

65. The Clerk of the General Assembly shall be entitled to demand and receive such fees as are set out in the form in schedule O to this Act hereunto annexed; and the Marshal of the House shall be entitled to demand and receive such fees as are mentioned in the same schedule. *Fees.*

Miscellaneous.

66. Upon the dissolution or expiration

Disposal of mace, &c. of the General Assembly the mace and the records and papers thereunto belonging shall be and remain in the hands and keeping of the last Speaker until an Assembly of Representatives be again called, and then be delivered up by the last Speaker into the hands of the then present Speaker.

Repeal.

Repeal. 67. The several Acts mentioned in schedule P to this Act are hereby repealed, to the extent mentioned provided that :—

(1.) Any rule, order or voter's list or register or election now in force whether made under any enactment hereby repealed or not shall continue in force until otherwise provided ; and

(2.) Any officer appointed under any enactment hereby repealed shall continue and be deemed to have been duly appointed under this Act ; and

(3.) Any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment in this Act.

(4.) This repeal shall not affect

(a) The past operation of any enactment hereby repealed nor any thing duly done or suffered under any enactment hereby repealed ; or

(b) any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed ; or

(c) any penalty, forfeiture, or punishment incurred in respect of any offence

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committed against any enactments hereby repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding and remedy may be carried on as if this Act had not passed; or

(e) any act in which the enactments hereby repealed have been applied, incorporated or referred to.

(5.) This repeal shall not revive any enactment, right, office, privilege, matter or thing not in force or existing at the passing of this Act,

68. This Act shall come into operation on the first day of January one thousand eight hundred and ninety two.

SCHEDULE A.

I, (here state name and address) make oath or affirmation and say that I am entitled to be registered as a voter for the..... of....., and the particulars of my claim, herein set forth, are true :

PARTICULARS OF CLAIM.

Date of Claim.	Christian and Surname at full length.	Age	Nature of Qualification.	Full description & situation of qualification.	Occupation.	Residence.

(Signed).....*Claimant.*

Taken before me this.....day }
of.....189

.....
Police Magistrate for the.....Of.....
or justice of the peace

SCHEDULE C.

mers for the of but whose claims have been disallowed.

SCHEDULE A.

I, (here state name and address) make oath or affirmation and say that I am entitled to be registered as a voter for the..... Of....., and the particulars of my claim, herein set forth, are true :

PARTICULARS OF CLAIM

Full description and situation of qualification.	Occupation of Voter.	Residence of Voter.	Remarks.
Six acres of land known as Industry Hall, S. Peter On House & land S. John's called Avondale Dower of wife in 15 acres of land in S. Lucy called Happy ... Tot	Planter ... Colonial Secretary " " "	Bulkeley, St. George Worthing Christ Church " "	Sale not recorded Taxes in arrear Dower not laid off

Ta

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SCHEDULE D.

Parish of
City of Bridgetown.

To the Revising Court

I A.B., (name at full length) hereby give you notice that I object to the name of C.D. being retained in the list of voters for the parish of (or, for the City of Bridgetown, as the case may be) on the ground that (here state shortly the ground on which the objection is based, as that the property or the occupancy is not, of sufficient value, or that the party is not or has ceased to be a proprietor, tenant or occupant, or, that he has not paid taxes, or that he is personally disqualified as being a minor, or any other ground on which the objection is based.)

Dated the day of 18
Signed, A.B.
place of abode.

SCHEDULE E.

Address.

To A.B.

I C.D. (name at full length) hereby give you notice that I object to your name being retained on the list of voters for the parish of (or, for the City of Bridgetown as the case may be), on the ground that (here state shortly the ground on which the objection is based), and that you will be required to prove your qualification at the time of the revising of the said list.

Dated this day of 18
Signed C.D.

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SCHEDULE F.

I A.B. of _____ in the City of
Bridgetown (or Parish of _____) make
oath and say, as follows;

1. I am the person whose name appears
on the registered Voters' list for the City of
Bridgetown (or Parish of _____)
and whose qualifications are therein stated to
be as follows (state here the qualification.)

2. I admit that I did not on the thirty first
day of January last past possess such qualifica-
tion, and that my name should be expunged
from such Voters' list.

Sworn to before me on the

day of _____

18 _____

Police Magistrate or
Justice of the Peace.

SCHEDULE G.

I, A.B., do swear that on taking the
poll at the representatives for the parish
of _____ (or for the City of Bridgetown)
I will act candidly, fairly, and impartially
without favour or affection, malice or
hatred, and according to the best of my
judgment. So help me God.

SCHEDULE H.

Questions permitted to be put by the
sheriff or sub-sheriff at the poll, to voters
on the request of any candidate for elec-
tion.

1. Are you the same person whose name

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appears as A.B. on the register of voters now in force for the parish of
(or, for the City of Bridgetown as the case may be).

2. Have you already voted at this election for the parish of (or, for the City of Bridgetown, as the case may be).

3. Have you the same qualification for which your name was originally inserted in the register of voters now in force for the parish of (or, for the City of Bridgetown. as the case may be)

SCHEDULE J.

You do swear (or being a Quaker or other person objecting to take an oath, do affirm), that you are the same person whose name appears as A.B., in the register of voters now in force for the parish of
(or for the City of Bridgetown as the case may be), and that you have not before voted either here or elsewhere at the present election for the parish of (or, for the City of Bridgeiown, as the case may be). So help you God.

SCHEDULE K.

I, A.B., do swear (or affirm), that according to my skill and judgment the return by me now made upon the election of members to serve in the assembly for the parish of
(or, for the City of Bridgetown as the case may be), is according to the law of election now in force, and without favour.

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or affection, hatred, malice, or ill will, to any person whomsoever. So help me God.

SCHEDULE L.

BARBADOS.

Qualification of A.B. elected a member of the Assembly of the parish of (or the City of Bridgetown) in this Island.

Thirty acres of land in fee simple (or fee tail) situate in the parish of (or parishes of), bounding (state the boundaries) with a dwelling house thereon which dwelling house is the value of three hundred pounds lawful money of this Island.
Dated the day of 18

Signed A.B.

or

An estate for life (or as the case may be) in (state the nature of the property and where situate), of the annual value of one hundred and twenty pounds lawful money of this Island.
Dated the day of 18

Signed A.B.

or

An income of two hundred pounds lawful money of this Island derived from my profession (or trade) (or as the case may be) as

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(stating the profession or trade), or from
(stating from what source such income is
derivable.)

Dated the day of 18 ,

Signed A.B.
or

An estate in fee simple (or fee tail) in
lands, (or houses, or any real estate situate
in the parish of or in the City
Bridgetown, of the absolute value of one
thousand five hundred pounds.

SCHEDULE M.

I, A. B., do solemnly declare that I am
truly and bona fide qualified to be elected a
member of the General Assembly of this
Island according to the true intent and
meaning of an Act of this island entitled
"An Act to consolidate and amend the
"Acts of this island relating to the repre-
"sentation of the people, and to provide
"for the extension of the elective franchise."
and that the statement delivered in and
signed by me is a true and correct statement
of such qualification.

SCHEDULE N.

I, A. B., do swear (or affirm) that I will
faithfully and justly give my opinion, ac-

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ording to the law of elections now in force,
in the decision of the election now contro-
verted between C.D., and E.F., according to
the best of my skill and judgment, So
help me God.

SCHEDULE O.

*Fees allowed the Clerk of the Assembly on
any controverted election.*

	£	s.	d.
For filing every petition.....		5	0
For filing every cross petition.....		5	0
For every summons (containing not more than three names).....		5	0
For copies of every petition or other paper (by the folio of 72 words, each folio).....		0	6

*Fees allowed the Clerk of the Assembly in
matters other than controverted elections.*

For each warrant of contempt..	1	0	0
On the passing of each private Bill	3	6	8

*Fees allowed the Marshal of the Assembly on
any controverted election and otherwise.*

For serving summonses, each person	5	0	
For executing each warrant of contempt.....	16	8	

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SCHEDULE F

Date of Act.	Title of Act.
10th February 1696	AN ACT declaring the decision of the General Assembly in the General Assembly and rightfully in the name of his Majesty's liege people
22nd December 1848.	An Act to alter and amend the title of the island, entitled "An Act for the better holding of elections in the churches, and to alter the constitution and giving notices therein" "service"
28th February 1884.	An Act to consolidate and amend the laws of this island relating to the election of the people, and to the extension of the elective franchise
8th February 1887.	An Act to amend "The Electoral Extension Act, 1884."
19th June 1889.	An Act to amend "The Electoral Extension Act, 1884"

	Extent of Repeal.
on of all con- members to serve y, to be legally representatives of of this island.	The whole Act.
and an Act of this to prevent the in the parish the mode of during divine	The preamble, sec- tion one, and section two so far as relates to elections of mem- bers of Assembly.
amend the Acts the representa- to provide for the franchise.	The whole Act.
ective Franchise	The whole Act.
lective Franchise	The whole Act.

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CAP. LXV.

(Assented to 1st August 1891.)

BARBADOS.

An Act to consolidate and amend the Acts of this Island relating to the Executive Committee.

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows ;

1. This Act may be cited as the " The Executive Committee Act, 1891." Short title.

2. Immediately on the opening of each session of the Legislature, it shall be lawful for the Governor to appoint during pleasure, one member of the Legislative Council, and four members of the House of Assembly, not being already members of the Executive Council, to be associated with and to form together with the Governor-in-Executive-Council, a Committee for the transaction of public financial business, for the consideration of ways and means, for advising with the Governor on any measures which the Executive may deem it expedient to bring before the Legislature, and for the conduct of public works, and the control and management of public institutions of the kind and in the manner hereinafter mentioned. The members so appointed to be associated with the Executive Council for the purposes of this Act shall continue to be members of the Executive Committee during the session of the Legislature, except in case of resignation or absence from the Island as hereinafter provided. Constitution and functions.

3. The Committee so formed shall be

called the Executive Committee. Its constitution shall be subject to the following provisions :

Chairman.

(1.) The Governor, or in his absence, the senior member of the Executive Council, present in Executive Council shall preside at its sittings.

Members to continue to be so after expiration of session until next session, provided interval does not exceed 3 months.

(2) Notwithstanding the prorogation or dissolution of the Legislature or the expiring of the session, the members thereof who are members of the Committee, shall continue to act in such capacity until the commencement of the ensuing session ; Provided that the interval between the close of one session and the commencement of the next shall not exceed the period of three months, after the lapse of which period the functions of the Executive Committee hereby created shall cease and become inoperative until the inauguration of a new session or meeting of the Legislature.

Absence without leave to vacate seat.

(3) Any member of the Committee who shall be absent from the Island for forty days without the leave of the Governor shall vacate his seat thereon, and it shall be competent for the Governor to nominate and appoint any member to fill such vacancy in the same way as members are to be nominated and appointed at the commencement of the session.

Governor may fill seat when vacated.

(4) In the case of the member of the Legislative Council or any member of the House of Assembly vacating his seat in the Committee by death,

forfeiture, resignation, or in any other manner, it shall be lawful for the Governor to make a fresh appointment as hereinbefore provided.

- (5) Whenever business of any kind shall have to be transacted by the Committee, the member of the Legislative Council and all the members of the House of Assembly forming part thereof, shall be duly summoned to attend the Executive Council, but they shall not be entitled to attend the Executive Council except when so summoned for the transaction of such business as is provided for by this Act. Summoning of members.

- (6) Any four members of the Committee shall be a sufficient quorum for the transaction of any business. Quorum.

4. The initiation of money votes by bill, resolution, or otherwise, by individual members of the House of Assembly shall cease, and shall be made only on the responsibility of the Executive Committee in the manner provided in this Act. Provided always that nothing in this Act contained shall be construed to restrict or in any way interfere with the right hitherto always exercised by individual members of the House of Assembly, to introduce any bill, resolution or any other measure of legislation, so that, as is hereinbefore provided, such bill, resolution or other measure of legislation does not create any charge upon the revenue of the colony, or in terms provide for the expenditure of public money. Executive Committee only shall initiate money votes.

5. Towards the close of every year, it shall be the duty of the Executive Committee to prepare estimates in detail of the probable Estimates.

revenue and expenditure of the colony for the year next ensuing. The estimates when prepared shall be laid before the House of Assembly for their consideration, and shall be introduced by a member of the said Executive Committee having a seat in the House of Assembly.

**Supplementary
Estimates.**

6. The Executive Committee may in case of necessity from time to time prepare and submit supplementary votes or estimates ; Provided that hereafter as heretofore, all aids and supplies to the Executive shall be the sole gift of the House of Assembly, and the House shall have and exercise its undoubted and sole right to withhold, reduce or grant such aids and supplies, and to direct, limit and appoint such aids and supplies whensoever granted, and to limit and appoint the ends, purposes, conditions, limitations, and qualifications of such grants, aids and supplies ; but it shall not be competent for the House of Assembly to increase any of the items or the aggregate amount of any estimates submitted as aforesaid.

**Sums, not fixed
by law, to be embodied in an appropriation Act, and unexpended balances to lapse.**

7. The sums which not being fixed by law shall be voted on estimates by the House of Assembly at the close of each year, for the service of the ensuing year, shall be embodied in an appropriation Act, and shall represent the limit and extent of the public expenditure for the year, as far as the same is not fixed by law, subject however to the provisions herein contained with respect to the passing of supplementary votes or estimates. The unexpended balances of all grants shall lapse at the end of the year to which they refer.

**Supplementary
appropriation Act.**

8. All sums which may have been voted by resolution on supplementary estimates

as aforesaid during the course of a session of the Legislature, shall, at the close of such session be embodied in a supplementary appropriation Act for the year or years to which the sums so voted shall have relation.

9. Subject to review by the Executive Committee the power to authorise the expenditure out of sums voted on the estimates of sums not in excess of twenty five pounds, at any one time, in case of emergency, shall be vested in the Governor.

Expenditure not exceeding £25 on emergency, may be authorised by Governor.

10 (1.) Bishop's Court, Government House the Town Hall, Glendairy Prison, the Lunatic Asylum, the Lazaretto, the Public Market, the Prisons, the Public Fountains, Nelson's Statue, and the lands, buildings, and hereditaments thereto respectively appertaining and belonging, and all public piers, wharves, bridges, works and buildings, and all public property, real or personal, are hereby vested in the Executive Committee, and their successors in office for an estate in fee simple in possession in trust for the public of this Island ; the Executive Committee shall also be charged with the care, control, and reparation of the same, and also of the carenage and all basins and works connected therewith ; and the Executive Committee shall cause the carenage at all times to be properly deepened and cleansed, so as to admit of the free passage of lighters, boats, and ships.

Public Buildings and lands vested in Committee.

(2) It shall be lawful for the Executive Committee to make and ordain in respect of the molehead and carenage, and also of the piers and public wharves, and bridges, such rules and regulations, and from time to time alter, add to, vary or repeal the

Rules as to carenage and wharves.

same, as may be found necessary or deemed expedient for the public good and convenience,

Publication of such rules, and penalty for violation. (3) All rules and regulations made and ordained by the said Executive Committee under and by virtue of the authority given to them in and by the last preceding subsection, shall be published three times in the Official Gazette and shall thereafter have the force and effect of law, in as full and ample a manner to all intents and purposes as if they were inserted in this Act; and any person violating any or either of the said rules and regulations shall for every offence be liable to a penalty not exceeding forty shillings to be recovered in a summary manner on the complaint of the harbour master, or any officer of the Police force including the Inspector General and Inspector.

No thoroughfare between public buildings.

11 (1.) The land between the public buildings in the City of Bridgetown is vested in the Executive Committee and the same shall not be used as a thoroughfare.

Public offices exempt from taxation.

(2.) The Public buildings shall contain halls, courts and offices for the following persons, bodies and departments, that is to say;

The Governor
The Board of Council
The Legislative Assembly.
The Master in Chancery
The Colonial Secretary
The Attorney-General
The Solicitor-General
The Provost Marshal
The Prothonotary and clerk of the Crown
The Official Assignee

The Auditor-General
 The Colonial Treasurer
 The Customs
 The Savings Bank
 The Post Office
 The Public Library
 The Superintendent of Public Works.

and no public officer shall be liable for any tax by reason of his occupying offices in the public Buildings.

12. The Executive Committee are hereby authorised to lease for such term, and on such conditions as they shall determine, for the purpose of making a dock or for harbour improvements, such portions of the Colonial Government lands as may be required. Power to lease government lands.

13. The Executive Committee in pursuance of the powers conferred on them by this Act may execute all conveyances, leases, contracts, and documents, and may sue and be sued in the name of the colonial secretary. Sue and be sued and execute deeds by colonial secretary.

14. Where by any Act of this island additional duties are made payable by way of forfeiture to her Majesty, her heirs and successors, for the use of this Island, it shall be lawful for the Governor-in-Executive Committee where the circumstances of the case shall appear to warrant such indulgence, upon petition of any person who has incurred and paid such additional duties so imposed by way of forfeiture as aforesaid, to remit such duties and to issue his warrant to the treasurer of the island for the repayment of the same, and the treasurer is hereby authorized and required to repay the same accordingly. Remission of duties imposed by way of penalty.

15. It shall be lawful for the Governor-in-Executive Committee upon the address of the Remission of duties on address of the Assembly.

Assembly of this island, to remit and order repayment in manner aforesaid of any duties raised, levied, collected, and paid unto her Majesty, her heirs and successors, for the uses of this island, and the treasurer is hereby authorized and empowered to repay the same accordingly.

Certain money
claims to be paid
monthly.

16. All claims in respect of salaries of public functionaries, contracts, supplies or otherwise which require warrants from the Governor-in-Executive Committee authorizing payment by the treasurer, shall be made up for payment to the close of each month, and the warrants of the Governor-in-Executive Committee shall be issued accordingly for payment of the same.

The Governor-in-
Executive Commit-
tee may, in certain
cases, dispense with
letters of adminis-
tration.

17. (1.) On the death of any public officer who may have held office under the Crown in this Island, and to whom was payable at the time of his death on account of his public services, any salary, allowances or pension, not exceeding the sum of ten pounds, it shall be lawful for the Governor-in-Executive Committee on an application being made for such purpose and on being satisfied of the expediency of dispensing with probate or letters of administration, to authorise by warrant under his hand the treasurer to pay to such person as shall appear best entitled to receive the same, the amount found to be due to such deceased public officer; provided that the Governor-in-Executive Committee be satisfied that every reasonable care has been taken to ascertain whether or not the deceased was indebted to any person at the time of his death.

(2.) Any payment made in pursuance of this section shall be valid against all persons, and all persons acting under its pro-

visions shall be absolutely discharged from all liability in respect of any moneys duly paid or applied by them under the provisions of this section ; provided that nothing in this section shall in any way interfere with the right of any creditor or other person having any claim to or upon the property of a deceased public officer from proceeding against the lawful representative of such deceased public officer for the recovery of any money or other property to which such creditor or other person may lay claim.

Repeal.

18. The several Acts mentioned in the schedule to this Act are hereby repealed to the extent mentioned : provided that

Repeal.

(1.) Any rule, order or bye-law now in force whether made under any enactment hereby repealed or not shall continue in force until otherwise provided ; and

(2.) Any officer appointed under any enactment hereby repealed shall continue and be deemed to have been duly appointed under this Act ; and

(3.) Any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment in this Act.

(4.) This repeal shall not affect

- (a.) the past operation of any enactment hereby repealed nor anything duly done or suffered under any enactment hereby repealed ; or
- (b.) any right, privilege obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed ; or

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- (c.) any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactments hereby repealed ; or
 - (d.) any investigation legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty forfeiture, or punishment, as aforesaid; and any such investigation, legal proceeding and remedy may be carried on as if this Act had not passed ; or
 - (e.) any Act in which the enactments hereby repealed have been applied, in incorporated or referred to.
- (5.) This repeal shall not revive any enactment, right, office, privilege, matter or thing not in force or existing at the passing of this Act.
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SCHEDULE.

Date of Act.	Title of Act.	Extent of Repeal.
19th December 1855....	An Act to provide for better uniformity in the payment of public claims.....	The whole Act.
28th March 1856.....	An Act to authorize the Governor-in-Council to remit, in certain cases, duties payable to Her Majesty for the uses of the Island.	The whole Act.
12th March 1868.....	An Act to amend the Acts relating to the erection of public buildings in the City of Bridgetown.....	The whole Act.
19th December 1872....	An Act for vesting in the Commissioners appointed under the Act of the 10th November 1856 the public buildings.....	The whole Act.
5th May 1874.....	An Act to consolidate and amend certain Acts of this Island relating to the Molehead, and the collection of tonnage duties on vessels coming to this Island.....	The whole Act.
5th May 1874.....	An Act to authorise the Consolidated Board to purchase a piece of land near the public buildings, belonging to the Commissioners of Roads, and to vest the land between the public buildings in the Consolidated Board.....	The whole Act.

SCHEDULE—Continued.

Date of Act.	Title of Act.	Extent of Repeal.
20th October 1875.....	An Act to place the repairs of Government House, Pilgrim, the Town-Hall, Glendairy Prison, the Public Market in Bridgetown, the various public fountains, and the statue of Admiral Lord Nelson under the care of the Consolidated Board.....	The whole Act. The whole Act.
20th May 1878.....	An Act to provide for the administration of the Molehead department.....	
1st November 1879...	An Act to authorise the payment to others than executors or administrators of small sums due on account of pay or allowances to deceased officers of the public service in this island.....	The whole Act.
29th January 1881....	An Act to make provision for the formation of an Executive Committee for the better regulation of the financial business of the colony, and to vest in the said Committee the powers and functions possessed and exercised by certain public boards.....	The whole Act.
27th January 1882....	An Act to vest the residence of the Bishop of the Anglican Church in this Island, commonly called "Bishop's Court," in the Executive Committee, and to provide for the repairs thereof.....	The whole Act.

SCHEDULE—Continued.

Date of Act.	Title of Act.	Extent of Repeal.
29th May 1883.....	An Act to empower any officer of the land police and harbour police to sue for and recover certain fines forfeitures and penalties which the Harbour Master can only now sue for and recover.....	The whole Act.
23rd May 1884.....	An Act for vesting in the Executive Committee certain lands and premises situate in Tudor Street in the City of Bridgetown, recently purchased by them for the better accommodation of the police force in Bridgetown.....	The whole Act.
10th September 1885...	An Act to render permanent "The Executive Committee Act, 1881."	The whole Act.
29th May 1886.....	An Act to vest certain lands hereditaments and premises on the Pier Head in the City of Bridgetown in this Island in the Executive Committee.....	The whole Act.
17th November 1887...	An Act to authorise the Executive Committee to lease portions of Government lands for dock and harbour purposes.....	The whole Act.

(Assented to 15th August, 1891.)

BARBADOS.

An Act to make provision for the appointment of an Assistant to the Island Professor of Chemistry, and Agricultural science.

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows ;

Provision for an assistant to the island professor of chemistry and agricultural science.

1. A sum not exceeding three hundred and fifty pounds a year is hereby granted to the Education Board for the payment of an Assistant to the Professor of Chemistry and Agricultural Science : provided always that only such part of the said sum shall be drawn in each year as shall be needed to make up along with any sum appropriated by any First or Second Grade Educational Institution in this Island, for that purpose the salary payable to such Assistant in that year.

Salary payable in part from treasury.

2 The part of the said sum required in any year shall be payable out of the public treasury on the warrant of the Governor-in-Executive Committee by equal monthly instalments.

Provision for a science department.

3. The Education Board shall draw up and may from time to time alter or amend a scheme for the establishment of a science department, providing for the mode and condition of entering its department, the course of study to be pursued and of instruction to be given therein, the working thereof including the appointment, tenure of office and dismissal of the Assistant to the Professor of Chemistry and Agricultural science, the examination of pupils in that

department and the certificates of proficiency obtainable by pupils therein. Such scheme and also any alterations or amendments therein which may from time to time be made shall be submitted for the approval of the Governor-in-Executive Committee, and if approved of shall be published three times in the Official Gazette and shall after such publication have the force of law.

4. The Assistant to the Professor of Chemistry and Agricultural Science appointed under such scheme as aforesaid shall, during his first year of office receive a salary at the rate of two hundred and fifty pounds a year with fifty pounds a year for travelling expenses, and shall for every year after such first year, receive an annual addition of ten pounds to his salary for the last preceding year until his salary reaches the amount of three hundred pounds a year with fifty pounds a year travelling expenses, and thereafter shall receive an annual salary of three hundred pounds together with an annual sum of fifty pounds for travelling expenses.

Annual increase to salary of assistant until maximum of £300, and £50 annually for travelling expenses.

5. The Assistant to the Professor of Chemistry and Agricultural Science shall devote his whole time to assisting the Island Professor and shall not take private work nor accept fees other than the aforesaid salary and amount for travelling expenses.

Assistant not to engage in private work.

6. A sum of one hundred pounds is hereby granted from the public treasury to the Education Board for equipping two laboratories, to be established for carrying out the purposes of this Act.

Grant for fittings.

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CAP. LXVII.

(Assented to 15th August, 1891.)

BARBADOS.

An Act to amend "The Military Duty Allowance Act, 1884."

BE it enacted by the Governor, Council, and Assembly of this island and by the authority of the same, as follows;

Amendments to
schedule B.

1. Schedule B, of The Military Duty Allowance Act, 1884, shall be amended by inserting therein at the end thereof before the words "All regimental officers" the words "All persons subject to military discipline under The Army Act, 1881, and of equal relative rank with any of the officers or soldiers hereinbefore mentioned to draw the allowance specified for those with whom they have equal relative rank."

Retrospective effect

2. This Act shall take effect as if the words mentioned in the preceding section had been inserted in schedule B of The Military Duty Allowance Act, 1884, at the date of its passing, and in printing the new edition of the laws the Commissioners shall make the above-mentioned amendment in schedule B and omit this Act from such edition.

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BARBADOS,

An Act to consolidate and amend the Acts of this Island relating to administration, to trusts, and to guardians, executors, administrators, and trustees.

BE it enacted by the Governor, Council, and Assembly of this island and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as “The guardians, executors, administrators and trustees Act, 1891”

Guardians.

2. Where any person shall have any child under the age of twenty one years, and not married at the time of his death, the father of such child whether born at the time of the decease of the father, or at that time *in ventre sa mère*; or whether such father be within the age of twenty one years or of full age, by his deed executed in his life-time or by his last will and testament in writing, in the presence of two or more credible witnesses, in such manner, and from time to time, as he shall respectively think fit, may dispose of the custody and tuition of such child for and during such time as he remains under the age of twenty one years or any lesser time to any person or persons in possession or remainder; and such disposition of the custody of such child shall be good and

effectual against every person claiming the custody or tuition of such child as guardian in socage or otherwise; and the person to whom the custody of such child shall be so disposed or devised as aforesaid, may maintain an action against any person who shall wrongfully take away or detain such child for the recovery of such child and may recover damages for the same in the said action, for the use and benefit of such child.

The estates of the children to be under the direction of their guardians.

3. The person to whom the custody of such child shall be so disposed or devised may take into his custody, to the use of such child the profits of all lands, tenements, and hereditaments of such child; and also the custody, tuition, and management of the goods, chattels and personal estate of such child, until the age of twenty one years, or any lesser time, according to such disposition aforesaid; and may bring such action in relation thereunto, as by law a guardian in common socage might do.

Provided that this Act shall not extend to discharge any apprentice from his apprenticeship.

Oath of Guardians, executors and administrators.

Oath to be taken by Executor, or guardian, or if absent affidavit to be filed.

4. Every executor, administrator, or guardian, before he shall obtain letters testamentary, letters of administration, or letters of guardianship, shall, before the Secretary of this island for the time being or any person deputed by him to administer such oath, take the following oath, viz.—

"I, A.B, do swear that I will faithfully administer all the estate of C.D, which shall come into my hands as (executor, administrator or guardian, as the case may be) and be accountable for the same, and the profits thereof, when thereunto legally required; and that I will not, to the best of my skill and power suffer any of the estate to be fraudulently levied upon and sold, or otherwise disposed of unlawfully, unnecessarily, or at an under value so help me God."

Provided always that an Executor who may be absent from the Island may forward to the Colonial Secretary to be filed in his office an affidavit or declaration in the form or to the effect, or as near thereto as circumstances will admit, of the oath aforesaid; such affidavit or declaration shall be taken or made in the manner prescribed by "The Evidence Act 1891."

Attorneys of guardians and executors.

5. All powers of attorney from any executor or guardian who shall have duly qualified himself to act as such residing in Great Britain or any of Her Majesty's Dominions shall be good and valid to all intents and purposes, as if such executor or guardian had been qualified in this island.

Provided always that all persons whatsoever, residing in the kingdom of Great Britain or elsewhere as executors or guardians shall be amenable themselves or by their attorneys to all the courts of law or equity in this island, as if they personally resided here, and service of any writ, subpoena, or

Powers of attorney from absent executor re- valid.

process on their attorneys, shall be deemed good service on the principals, to all necessary, legal, and equitable purposes.

Administration.

Heir or devisee of real estate not to claim payment of mortgage out of personal assets.

6. (1) When any person dies seised of or entitled to any estate or interest in any land or other hereditaments which at the time of his death is charged with the payment of any sum or sums of money by way of mortgage, and such person has not, by his will or deed or other document, signified any contrary or other intention, the heir or devisee to whom such land or hereditaments shall descend or be devised, shall not be entitled to have the mortgage debt discharged or satisfied out of the personal estate or any other real estate of such person, but the land or hereditaments so charged shall, as between the different persons claiming through or under the deceased person, be primarily liable to the payment of all mortgage debts, with which the same shall be charged, every part thereof, according to the value, bearing a proportionate part of the mortgage debt charged on the whole thereof: Provided always, that in the construction of the will of any person, a general direction that the debts or that all the debts of the testator shall be paid out of his personal estate shall not be deemed to be a declaration of an intention contrary to or other than the rule established by this section unless such contrary or other intention shall be further declared by words expressly or by necessary implication, referring to all or some of the

testator's debts, or debt charged by way of mortgage, or any part of his real estate: Provided also, that nothing herein contained shall affect or diminish any right of the mortgagee on such land or hereditaments, to obtain full payment or satisfaction of his mortgage debt either out of the personal estate of the person so dying as aforesaid or otherwise; Provided also, that nothing herein contained shall affect the rights of any person claiming under or by virtue of any will, deed or document made before the first day of January one thousand eight hundred and eighty.

(2.) The preceding subsection applies only in the case of persons dying after the thirty first day of December one thousand eight hundred and seventy nine. Preceding section applies to certain cases only.

(3.) In the construction of this section the word "mortgage" shall be deemed to extend to any lien for unpaid purchase money upon any lands or hereditaments purchased by a testator or person dying intestate. Interpretation of the word "mortgage."

7 The whole surplusage of the estate of any person dying intestate shall be distributed by the court of Chancery and by every person by law entitled to distribute the same in manner and form following: that is to say, one-third part of the said surplusage to the wife of the intestate, and all the residue, by equal portions, to and amongst the children of such persons dying intestate, and such persons as legally represent such children in case any of the said children be then dead, other than such child or children not being heir-at-law, who shall have any estate by the settlement of the intestate, or shall be advan- Distribution of intestates estates.

ced by the intestate in his life-time, by portion or portions equal to the share which shall by such distribution be allotted to the other children, to whom such distribution is to be made. And in case any child, other than the heir-at-law, who shall have any estate by settlement from the intestate, or shall be advanced by the said intestate, in his life-time by portion not equal to the share which will be due to the other children by such distribution as aforesaid, then so much of the surplusage of the estate of such intestate to be distributed to such child or children as shall have any land by settlement from the intestate or were advanced in the life-time of the intestate, as shall make the estate of all the said children to be equal, as near as can be estimated; but the heir-at-law, notwithstanding any land or other real estate that he shall have by descent or otherwise, from the intestate, is to have an equal part in the distribution with the rest of the children, without any consideration of the value of the land or other real estate which he hath by descent or otherwise, from the intestate; and in case there be no children nor any legal representatives of them, then one moiety of the said estate to be allotted to the wife of the intestate; the residue of the said estate to be distributed equally to every of the next of kindred of the intestate, who are in equal degree, and those who legally represent them; provided that there be no representation admitted amongst collaterals after brother's and sister's children; and in case there be no wife, then all the said estate to be distributed equally to and amongst the children;

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and in case there be no child, then to the next of kindred, in equal degree of or unto the intestate, and their legal representatives as aforesaid; and in no other manner whatsoever.

8. If after the death of a father, any of his children, shall die intestate, without wife or children in the lifetime of the mother, brother and sister and the representatives of them, shall have an equal share with her. Distribution of share of a child dying after father, and in life time of mother intestate and childless.

9. No such distribution of the goods of any person dying intestate shall be made till after one year be fully expired after the intestate's death: and every one to whom any distribution and share shall be allotted, shall give bond with sufficient sureties to the judge of the court of ordinary, and to his successors, that if any debt truly owing by the intestate, shall be afterwards sued for and recovered, or otherwise duly made to appear, that then and in every such case, he shall refund and pay back to the said administrator, his ratable part of that debt, and of the costs of suit and charges of the administrator by reason of such debt, out of the part and share so as aforesaid allotted to him thereby to enable the said administrator to pay and satisfy the said debt so discovered after the distribution made as aforesaid. No distribution to be made until a year after intestates death

Undisposed of residus.

10. (1) When any person shall die having by his will or any codicil appointed any person or persons to be his executor or executors, such executor or executors, shall be deemed to be a trustee or trustees, for the person or persons (if any) who would be en- Executors deemed to be trustees for persons entitled to any residue under the statute of distributions unless otherwise directed by will.

titled to the estate under the statute of distributions in respect of any residue not expressly disposed of, unless it shall appear by the will or any codicil thereto that the person or persons so appointed executor or executors was or were intended to take such residue beneficially.

Not to affect rights of Executors when there is not any person entitled to the residue.

(2.) Nothing herein contained shall affect or prejudice any right to which any executor if this section had not been passed, would have been entitled, in case where there is not any person who would be entitled to the testator's estate under the statute of distribution in respect of any residue not expressly disposed of.

Control by court of Chancery.

Court of Chancery may call administrators to account, and order equal distribution, &c.

11. The court of chancery shall and may call administrators to account for and touching the goods of any person dying intestate; and upon hearing, and due consideration thereof, order and make just and equal distribution of what remaineth clear, after all debts, funerals, and just expenses of every sort first allowed and deducted, amongst the wife and children, or children's children, if any such be, or otherwise, to the next of kindred to the dead person, in equal degree, or legally representing their stocks *pro suo cuique jure*, according to the laws in such cases, and the rules hereinbefore laid down, and the same distributions may decree and settle, and compel such administrators to observe and pay the same by due course of law; saving to every one supposing himself aggrieved, his right of appeal.

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12. No administrator shall be cited to the court of ordinary or the court of chancery to render an account of the personal estate of his intestate, otherwise than by inventory or inventories thereof, unless it be at the instance or prosecution of some person, in behalf of a minor, or having a demand out of such personal estate, as a creditor or next of kin ; nor be compellable to account before such courts otherwise than as is aforesaid.

13. It shall be lawful for any person claiming to be a creditor, or a specific pecuniary or residuary legatee, or the next of kin, or some or one of the next of kin of a deceased person, to apply for and obtain as of course, without bill or claim filed, or any other preliminary proceedings, a summons from the vice-chancellor requiring the executor or administrator, as the case may be, of such deceased person to attend before him, for the purpose of showing cause why an order for the administration of the personal estate of the deceased should not be granted ; and upon proof by affidavit of the due service of such summons, or on the appearance in person or by his solicitor or counsel of such executor or administrator, and upon proof by affidavit of such other matters, if any, as such judge shall require, it shall be lawful for such judge if in his discretion he shall think fit so to do to make the usual order for the administration of the estate of the deceased with such variations, if any, as the circumstances of the case may require ; and the order so made shall have the force and effect of a decree to the like effect made

No administrator obliged to account for the estate of intestate otherwise than by inventory, unless, &c.

Creditor &c. may obtain an order for administration of personal estate.

on the hearing of a cause or claim between the said parties ; provided that such judge shall have full discretionary power to grant or refuse such order, or to give any special discretion touching the execution of such order ; and in the case of applications for any such order by two or more different persons or classes of persons, to grant the same to such one or more of the claimants or of the class of claimants as he may think fit, and if the judge shall think proper, the carriage of the order may subsequently be given to such party interested, and upon such terms as the judge may direct.

Copy of summons to be filed in registrar's office.

14. A duplicate or copy of such summons shall, previously to the service thereof, be filed in the registrar's office of the said court ; and no service thereof, upon any executor or administrator shall be of any validity unless the copy so served shall be marked by the said registrar as filed, and the filing of such summons shall have the same effect with respect to *lis pendens* as the filing of a bill or claim.

Creditor &c., may obtain an order for administration of real estate.

15. It shall be lawful for any person claiming to be a creditor of any deceased person, or interested under his will, to apply for and obtain in a summary way, in the manner hereinbefore provided with respect to the personal estate of a deceased person an order for the administration of the real estate of a deceased person, where executors or trustees are by will empowered to sell real estate, or where such real estate is in the possession of any executor ; and all the provisions hereinbefore contained with respect to the application for such order in

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relation to the personal estate of a deceased person, and consequent thereon, shall extend and be applicable to an application for such order as last hereinbefore mentioned to real estate,

Trusts: their creation, &c.

16 All declarations or creations of trust, or confidences of any lands, tenements, or hereditaments, shall be manifested and proved by some writing signed by the party who is by law enabled to declare such trust, or by his last will in writing, or else they shall be utterly void and of none effect. Declarations of trusts of lands to be in writing, except constructive trusts.

Provided always that where any conveyance shall be made of any lands or tenements by which a trust or confidence shall or may arise or result by the implication or construction of law, or be transferred or extinguished by an act or operation of law, then and in every such case, such trust or confidence shall be of like force and effect as the same would have been if this Act had not been made; anything hereinbefore contained to the contrary notwithstanding.

17. All grants and assignments of any trust or confidence, shall likewise be in writing, signed by the party granting or assigning the same or by such last will or devise, or else shall likewise be utterly void and of none effect. Grants or assignments of trusts to be in writing.

Descent of trust-estate.

18. (1.) Where an estate or interest of inheritance or limited to the heir as special occupant in any lands, tenements or here- Devolution of trust as special or mortgage estate on death.

ditaments corporeal or incorporeal is vested on any trustor by way of mortgage in any person solely, the same shall on his death notwithstanding any testamentary disposition devolve to and become vested in his personal representatives or representative from time to time, in like manner as if the same were a chattel real vesting in them or him; and accordingly all the like powers of one only of several joint personal representatives as well as for a single personal representative and for all the personal representatives together to dispose of and otherwise deal with the same shall belong to the deceased's personal representatives or representative from time to time with all the like incidents but subject to all the like rights, equities and obligations as if the same were a chattel real vested in them or him; and for the purposes of this section the personal representatives for the time being of the deceased shall be deemed in law his heirs and assigns within the meaning of all trusts and powers.

Preceding subsection applies in certain cases only.

(2.) The preceding subsection applies only in cases of death after the tenth day of November one thousand eight hundred and eighty-five, in all other cases the following subsection applies.

Executor or administrator entitled to receive mortgage money may assign or reconvey the legal estate in fee.

(3.) Where any executor or administrator is entitled to any money secured by a mortgage in fee on land, and the legal estate in such land is vested in the heir or devisee of such mortgagee, or the heir, devisee, or other assign of such heir or devisee, and possession of the land has not been taken by virtue of the mortgage, nor any action or suit depending, such executor or administrator

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shall have power upon payment of the principal money and interest due on the mortgage, to reconvey or assign the legal estate which became vested in such heir or devisee, and such reconveyance or assignment shall be as effectual as if the same had been made by any heir or devisee, his heirs or assigns.

Power of sale or exchange and renewal by trustees.

19. (1.) Where by any will coming into operation after the fifteenth day of August one thousand eight hundred and eighty five the testator has charged his real estate or any specific portion thereof with the payment of his debts, or with the payment of any legacy or other specific sum of money, and has devised the estate so charged to any trustee or trustees for the whole of his estate or interest therein and has not made any express provision for the raising of such debt, legacy or sum of money out of such estate, it shall be lawful for the said devisee or devisees in trust notwithstanding any trusts actually declared by the testator to raise such debts legacy or money as aforesaid by a sale and absolute disposition by public auction or private contract of the said hereditaments or any part thereof or by a mortgage of the same or partly in one mode and partly in the other and any deed or deeds of mortgage so executed may reserve such rate of interest not exceeding six pounds per cent per annum and fix such period or periods

Devisee in trust may raise money by sale, notwithstanding want of express power in the will.

of repayment as the person or persons executing the same shall think proper.

Power given by last subsection extended to survivor's devisees, &c.

(2.) The powers conferred by the last preceding subsection shall extend to all and every person or persons in whom the estate devised shall for the time being be vested by survivorship, descent or devise, or to any person or persons who may be appointed under any power in the will or by the court of chancery to succeed to the trusteeship vested in such devisee or devisees in trust as aforesaid.

Executors to have power of raising money &c. where there is no sufficient devise

(3.) If any testator who shall have created such a charge as is described in subsection one shall not have devised the hereditaments charged as aforesaid in such terms as that his whole estate and interest therein shall become vested in any trustee or trustees, the executor or executors for the time being named in such will (if any) shall have the same or the like power of raising the said moneys as is hereinbefore vested in the devisee or devisees in trust of the said hereditaments, and such power shall from time to time devolve to and become vested in the person or persons (if any) in whom the executorship shall for the time being be vested; but any sale or mortgage under this section shall operate only on the estate and interest, whether legal or equitable, of the testator.

Purchasers &c. not bound to enquire as to powers.

(4.) Purchasers or mortgagees shall not be bound to inquire whether the powers conferred by subsections one, two, and three or either of them shall have been duly and correctly exercised by the person or persons acting in virtue thereof.

(5.) The provisions contained in subsec-

tions one, two, and three shall not in any way prejudice or affect any sale or mortgage made under or in pursuance of any will coming into operation before the said fifteenth day of August one thousand eight hundred and eighty five but the validity of any such sale or mortgage shall be ascertained and determined in all respects as if this section had not passed: and the said several subsections shall not extend to a devise to any person or persons in fee or in tail, or for the testator's whole estate and interest charged with debts or legacies, nor shall they affect the power of any such devisee or devisees to sell or mortgage as he or they may by law now do.

Sub-sections 1, 2, & 3, not to affect certain sales &c., nor to extend to devisees in fee or in tail.

20. (1.) In all cases where by any will or codicil executed confirmed or revived after the seventeenth day of July one thousand eight hundred and eighty six or by any deed or other instrument of settlement executed after that date it is expressly declared that trustees or other persons therein named or indicated shall have a power of sale either generally, or in any particular event over any hereditaments named or referred to in or from time to time subject to the uses or trusts of such will, deed, or other instrument or where in any such will, codicil, deed, or other instrument of settlement as aforesaid any real estate shall be devised or conveyed to any person or persons, upon trust to sell, in either of such cases it shall be lawful for such trustees, or other persons, whether such hereditaments be vested in them or not, to exercise such power of sale or trusts for sale, by selling such hereditaments either

Trustees having a power of sale, or holding lands on trust to sell may sell in lots, either by auction or private contract.

together or in lots, and either by auction or private contract, and either at one time or several times, and (in case the power or trust shall expressly authorise an exchange) to exchange any hereditaments which for the time being shall be subject to the uses or trusts aforesaid for any other hereditaments in this island and upon such exchange to give or receive any money for equality of exchange.

Sale or exchange may be made under special conditions, and trustees may buy in, &c.

(2.) It shall be lawful for the persons making any such sale or exchange to insert any such special or other stipulations either as to title or evidence of title or otherwise in any conditions of sale or contract for sale or exchange, as they shall think fit, and also to buy in the hereditaments or any part thereof at any sale by auction, and to rescind or vary any contract for sale or exchange, and to re-sell the hereditaments which shall be so bought in, or as to which the contract shall be so rescinded without being responsible for any loss which may be occasioned thereby and no purchaser under any such sale shall be bound to inquire whether the persons making the same may or may not have in contemplation any particular re-investment of the purchase money in the purchase of any other hereditaments or otherwise.

Trustees exercising power of sale, &c. shall have power to convey.

(3.) For the purpose of completing any such sale or exchange as aforesaid the persons empowered to sell or exchange as aforesaid shall have full power to convey or otherwise dispose of the hereditaments in question either by way of revocation and appointment of the use or otherwise as may be necessary.

b.b.

(4.) The money so received upon any such sale or for equality of exchange as aforesaid shall be laid out in the manner indicated in that behalf in the will, codicil deed or instrument containing the power or trusts of sale or exchange or if no such indication be therein contained as to all or any part of such money then the same shall with all convenient speed be laid out in the purchase of other hereditaments in fee simple in possession to be situate in this island, or on good real security in this island, and all such hereditaments so to be purchased or taken in exchange as aforesaid as shall be freeholds of inheritance shall be settled and assured to the uses, upon and for the trusts, intents and purposes, and with, under and subject to the powers, provisoes and declarations, to which the hereditaments sold or given in exchange were or would have been subject, or as near thereto as the deaths of parties and other intervening circumstances will admit of, and all such investments on real security shall be settled and assured upon and for such trusts, intents and purposes, and with under and subject to such powers, provisoes and declarations, as shall as nearly as may be correspond with and be similar to the aforesaid uses, trusts, intents and purposes, powers, provisoes, and declarations.

(5.) It shall be lawful for the persons exercising any such power, or trust as aforesaid if they shall think fit, to apply any money to be received upon any sale or for equality of exchange as aforesaid, or any part thereof, in lieu of purchasing lands therewith, in or

Moneys arising from sales &c., to be laid out as indicated by the trust instrument, or in the purchase of other lands, or on good real security.

or in payment of incumbrances.

towards paying off or discharging any mortgage or other charge or incumbrance which shall or may affect all or any of the hereditaments which shall then be subject to the same uses or trusts as those to which the hereditaments sold or given in exchange were or was subject.

Trustees of renewable leaseholds may renew.

(6.) It shall be lawful for any trustees being under any will or codicil executed confirmed or revived after the seventeenth day of July one thousand eight hundred and eighty-six or under any deed or other instrument executed after that date trustees of any leaseholds for lives or years which are renewable from time to time, either under any covenant or contract or by custom or usual practice if they shall in their discretion think fit, and it shall be the duty of trustees, if thereunto required by any person having any beneficial interest present or future or contingent, in such leaseholds to use their best endeavours to obtain from time to time a renewed lease of the same hereditaments on the accustomed and reasonable terms, and for that purpose, it shall be lawful for any such trustees from time to time to make or concur in making such surrender of the lease for the time being subsisting, and to do all other acts as shall be requisite in that behalf, but this section is not to apply to any case where by the terms of the settlement or will, or codicil the person in possession for his life or other limited interest is entitled to enjoy the same without any obligation to renew the lease or to contribute to the expense of renewing the same.

(7.) In case any money shall be required

for the purpose of paying for equality of exchange as aforesaid, or for renewal of any lease as aforesaid, it shall be lawful for the persons effecting such exchange or renewal to pay the same out of any money which may then be in their hands in trust for the persons beneficially interested in the lands to be taken in exchange, or comprised in the renewed lease, whether arising by any of the ways and means hereinbefore mentioned or otherwise, and notwithstanding the provisions for the application of money arising from sale or exchange hereinbefore contained; and if they shall not have in their hands as aforesaid sufficient money for the purposes aforesaid, it shall be lawful for such persons to raise the money required by mortgage of the hereditaments to be received in exchange or contained in the renewed lease (as the case may be) or of any other hereditaments for the time being subject to the subsisting uses or trusts to which the hereditaments taken in exchange or comprised in the renewed lease (as the case may be) shall be subject, and for the purpose of effecting such mortgage such persons shall have the same powers of conveying or otherwise assuring as are herein contained with reference to a conveyance or sale; and no mortgagee advancing money upon such mortgage purporting it to be made under this power shall be bound to see that such money is wanted or that no more is raised than is wanted for the purposes aforesaid.

(8.) No such sale or exchange as aforesaid, and no purchase of hereditaments out of money received on any such sale or exchange

Moneys for equality of exchange or for renewal of leases may be paid out of moneys in hand, or be raised by mortgage, &c.

No sale &c. to be made without consent of tenant for life, &c.

as aforesaid, shall be made without the consent of the person appointed to consent by the will, deed, or other instrument, or if no such person be appointed then of the person entitled in possession to the receipt of the rents and profits of such hereditaments, if there be such a person under no disability; but this subsection shall not be taken to require the consent of any person where it appears from the will, deed or other instrument to have been intended that such sale, exchange or purchase should be made by the person or persons making the same without the consent of any other person.

Tenants for life may act notwithstanding incumbrances.

(9.) For the purposes of this section a person shall be deemed to be entitled to the possession or to the receipt of the rents and income of land or personal property, although his estate may be charged or incumbered, either by himself or by any former owner, or otherwise howsoever to any extent; but the estates or interests of the parties entitled to any such charge or incumbrance shall not be affected by the acts of the person entitled to the possession or to the receipt of the rents and income as aforesaid, unless they shall concur therein.

Powers hereby given may be negatived or varied by express declaration in trust instrument.

(10.) None of the powers or incidents hereby conferred or annexed to particular offices, estates or circumstances shall take effect or be exercisable if it is declared in the deed, will or other instrument creating such offices, estates or circumstances that they shall not take effect; and where there is no such declaration, then if any variations or limitations of any of the powers or incidents hereby conferred or annexed are con-

tained in such deed, will or other instrument, such powers or incidents shall be exercisable or shall take effect only subject to such variations or limitations.

(11.) Nothing in this section contained shall be deemed to empower any trustee or other persons to deal with or affect the estates or rights of any persons soever, except to the extent to which they might have dealt with or affected the estates or rights of such persons if the deed, will or other instrument under which such trustees or other persons are empowered to act had contained express powers for such trustees or other persons so to deal with or affect such estates or rights. No rights other than those under the settlement, &c. to be affected.

Investment of trustees.

21. When a trustee, executor or administrator shall not by some instrument creating his trust be expressly forbidden to invest any trust fund in or upon any stocks, funds or securities of or guaranteed by the government of this island (including the stocks or securities of any company in this island having a fixed rate of interest thereon guaranteed as aforesaid) or upon real securities in this island, it shall be lawful for such trustee, executor or administrator at his discretion to invest such trust fund or such securities and from time to time at such discretion to vary any such investment as aforesaid for others of the same or the like nature and he shall not be liable on account of any such investment, or the varying thereof as aforesaid as for a breach of trust, provided Investments by trustees.

that such investment shall in other respects by reasonable and proper, and this section shall operate retrospectively; provided always that no such original investment as aforesaid and no such change of investment as aforesaid shall be made where there is a person under no disability entitled in possession to receive the income of the trust fund for his life or for a term of years determinable with his life or for any greater estate without the consent in writing of such person.

Power of giving receipts.

Persons paying money not bound to see to the application unless, &c.

22. (1) The *bona fide* payment to, and the receipt of any person to whom any money shall be payable for any limited purpose, or of the survivors or survivor of two or more mortgagees or holders, or the executor, administrator of such survivor or their or his assigns, shall effectually discharge the person paying the same from seeing to the application or being accountable for the misapplication thereof, unless the contrary shall be expressly declared by the instrument creating the limited purpose or the security.

Trustees' receipts.

(2.) The receipt in writing of any trustees or trustee for any money, securities or other personal property payable, transferable, or deliverable to them or him under any trust or power, shall be a sufficient discharge for the same, and shall effectually exonerate the person paying, transferring, or delivering the same from seeing to the application or being answerable for any loss or misapplication thereof.

1891. c. 68.

(3.) This section shall apply to trusts created either before or after the passing of this Act.

Powers to compound debts, &c.

23. (1) An executor may pay or allow any debt or claim on any evidence that he thinks sufficient. Power for executors and trustees to compound, &c.

(2.) An executor, or two or more trustees acting together, or a sole acting trustee where, by the instrument, if any, creating the trust, a sole trustee is authorised to execute the trusts and powers thereof, may, if and as he or they may think fit, accept any composition or any security, real or personal for any debt, or for any property real or personal, claimed, and may allow any time for payment of any debt, and may compromise, compound, abandon, submit to arbitration, or otherwise settle any debt, account claim, or thing whatever relating to the testator's estate or to the trust, and for any of those purposes may enter into, give, execute and do such agreements, instruments of composition or arrangement, releases, and other things as to him or them shall seem expedient, without being responsible for any loss occasioned by any act or thing so done by him or them in good faith.

(3.) As regards trustees, this section shall apply only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(4.) This section shall apply to executor-

1891. c. 68.

ships and trusts constituted or created either before or after the passing of this Act.

Powers of maintenance, &c.

Application by trustees of income of property of infant for maintenance.

24. (1.) Where any property is held by trustees in trust for an infant either for life, or for any greater interest, and whether absolutely or contingently on his attaining the age of twenty one years, or on the occurrence of any event before his attaining that age, the trustees may at their sole discretion pay to the infant's parent or guardian, if any, or otherwise apply for or towards the infant's maintenance, education, or benefit the income of that property or any part thereof, whether there is any other fund applicable to the same purpose, or any person bound by law to provide for the infant's maintenance or education, or not.

(2) The trustees shall accumulate all the residue of that income in the way of compound interest by investing the same, and the resulting income thereof from time to time on securities on which they are by the settlement, if any, or by law, authorized to invest trust money, and shall hold those accumulations for the benefit of the person who ultimately becomes entitled to the property from which the same arise: but so that the trustees may at any time, if they think fit, apply those accumulations, or any part thereof, as if the same were income arising in the then current year.

(3) This section shall apply only if and as far as a contrary intention is not expressed in the instrument under which the interest

c.c.

1891. c. 68.

est of the infant arises, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(4) This section shall apply whether that instrument comes into operation before or after the passing of this Act.

Survival of powers.

25. Where a power or trust is given to or vested in two or more executors or trustees jointly, then, unless the contrary is expressed in the instrument, if any, creating the power or trust, the same may be exercised or performed by the survivor or survivors of them for the time being.

Change of trustees and vesting of property.

26. (1) Where a trustee, either original or substituted, and whether appointed by a court or otherwise, is dead, or remains out of this island unrepresented for more than twelve months, or desires to be discharged from the trusts or powers reposed in or conferred on him, or refuses or is unfit to act therein, or is incapable of acting therein then the person or persons nominated for this purpose by the instrument, if any, creating the trust, or if there is no such persons, or no such person able and willing to act, then the surviving or continuing trustees or trustee for the time being, or the personal representatives of the last surviving or continuing trustee, may, by writing, appoint another person or other persons to be a trustee or trustees in the

place of the trustee dead, remaining out of the island, desiring to be discharged, refusing or being unfit, or being incapable as aforesaid.

(2.) On an appointment of a new trustee, the number of trustees may be increased.

(3.) On an appointment of a new trustee it shall not be obligatory to appoint more than one new trustee, where only one trustee was originally appointed, or to fill up the original number of trustees, where more than two trustees were originally appointed; but except where only one trustee was originally appointed, a trustee shall not be discharged under this section from his trust unless there will be at least two trustees to perform the trust.

(4.) On an appointment of a new trustee any assurance or thing requisite for vesting the trust property or any part thereof jointly in the persons who are the trustees, shall be executed or done.

(5.) Every new trustee so appointed, as well before as after all the trust property, becomes by law, or by assurance, or otherwise, vested in him, shall have the same powers, authorities, and discretions, and may in all respects act as if he had been originally appointed a trustee by the instrument, if any, creating the trust.

(6.) The provisions of this section relative to a trustee, who is dead include the case of a person nominated trustee in a will, but dying before the testator; and those relative to a continuing trustee include a refusing or retiring trustee, if willing to act in the execution of the provisions of this section.

(7.) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust, and shall have effect subject to the terms of that instrument and to any provisions therein contained.

(8.) This section applies to trusts created either before or after the commencement of this Act.

27. (1) Where there are more than two trustees, if one of them by deed declares that he is desirous of being discharged from the trust, and if his co-trustees and such other person, if any, as is empowered to appoint trustees, by deed consent to the discharge of the trustee, and to the vesting in the co-trustees alone of the trust property, then the trustee desirous of being discharged shall be deemed to have retired from the trust, and shall, by the deed, be discharged therefrom under this Act, without any new trustee being appointed in his place. Retirement of trustee.

(2.) Any assurance or thing requisite for vesting the trust property in the continuing trustees alone shall be executed or done.

(3.) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust and shall have effect subject to the terms of that instrument and to any provisions therein contained.

(4.) This section applies to trusts created either before or after the commencement of this Act.

28. (1.) Where a deed by which a new trustee is appointed to perform any trust contains a declaration by the appointor to vesting trust property in new or continuing trustees.

the effect that any estate or interest in any land subject to the trust, or in any chattel so subject, or the right to recover and receive any debt or other thing in action so subject, shall vest in the person or persons who by virtue of the deed become and is or are the trustee or trustees for performing the trust, that declaration shall, without any conveyance or assignment, operate to vest in that person or those persons, as joint tenants, and for the purposes of the trust, that estate, interest, or right.

(2) Where a deed by which a retiring trustee is discharged under this Act contains such a declaration as is in this section mentioned by the retiring and continuing trustees, and by the other person, if any, empowered to appoint trustees, that declaration shall, without any conveyance or assignment, operate to vest in the continuing trustees alone, as joint tenants, and for the purposes of the trust, the estate, interest, or right to which the declaration relates.

(3.) This section does not extend to any land conveyed by way of mortgage for securing money subject to the trust, or to any such share, stock, annuity, or property as is only transferable in books kept by a company or other body, or in manner prescribed by or under any Act of this island.

(4.) This section applies only to deeds executed after the seventeenth day of July one thousand eight hundred and eighty six.

Power to appoint
new trustees in lieu
of trustees convicted
of felony.

29. When any person is or shall be jointly or solely seized or possessed of any lands or entitled to any stock upon any trust, and such person has been or shall be convicted of

felony, it shall be lawful for the court of chancery, upon proof of such conviction, to appoint any person to be a trustee in the place of such convict, and to make an order for vesting such lands, or the right to transfer such stock, and to receive the dividends or income thereof in such person so to be appointed trustee, and such order shall have the same effect as to lands as if the convict trustee had been free from any disability and had duly executed a conveyance, or assignment of his estate and interest in the same.

30. In all cases where it shall be expedient to appoint a new trustee, and it shall be found inexpedient, difficult or impracticable so to do without the assistance of the court of chancery, it shall be lawful for the said court to make an order appointing a new trustee or new trustees, whether there be any existing trustee or not at the time of making such order.

Power to Court to make order appointing new trustees.

31. The person or persons who, upon the making of such order as last aforesaid, shall be trustee or trustees, shall have all the same rights and powers as he or they would have had if appointed by decree in a suit duly instituted.

Powers of new trustees.

32. (1.) Every trustee appointed by the court of chancery of this island, or by any other court of competent jurisdiction, shall, as well before as after the trust property becomes by law, or by assurance, or otherwise, vested in him, have the same powers, authorities and discretions, and may in all respects act, as if he had been originally appointed a trustee by the instrument, if any, creating the trust.

Power of new trustees appointed by Court.

(2.) This section applies to appointments made either before or after the commencement of this Act.

Power to court to vest lands in new trustees.

83. It shall be lawful for the said court of chancery, upon making any order for appointing a new trustee or new trustees, either by the same or by any subsequent order, to direct that any lands subject to the trust shall vest in the person or persons who, upon the appointment, shall be the trustee or trustees for such estate, as the court shall direct; and such order shall have the same effect as if the person or persons who, before such order, were the trustee or trustees (if any) had duly executed all proper conveyances and assignments of such lands for such estate.

Power to court to vest rights to sue at law in new trustees.

34. It shall be lawful for the said court of chancery, upon making any order for appointing a new trustee or new trustees, either by the same or by any subsequent order, to vest the right to call for a transfer of any stock subject to the trust, or to receive the dividends or income thereof, or to sue for or recover any chose in action subject to the trust, or any interest in respect thereof, in the person or persons who, upon the appointment, shall be the trustee or trustees.

Old trustees not to be discharged from liability.

35. Any such appointment by the court, of new trustees, and any such conveyance, assignment, or transfer as aforesaid, shall operate no further or otherwise as a discharge to any former or continuing trustee than an appointment of new trustees under any power for that purpose contained in any instrument would have done.

86. When any lunatic or person of un-

sound mind shall be seized or possessed of any lands upon any trust, or by way of mortgage, it shall be lawful for the court of chancery to make an order that such lands be vested in such person or persons in such manner, and for such estate, as it shall direct; and the order shall have the same effect as if the trustee or mortgagee had been sane and had duly executed a conveyance or assignment of the lands in the same manner for the same estate.

37. When any lunatic or person of unsound mind shall be entitled to any contingent right in any lands, upon any trust or by way of mortgage, it shall be lawful for the court of chancery to make an order wholly releasing such lands from such contingent right, or disposing of the same to such person or persons as the said court shall direct, and such order shall have the same effect as if the trustee or mortgagee had been sane, and had duly executed a deed releasing or disposing of the contingent right.

38. When any lunatic or person of unsound mind shall be solely entitled to any stock or to any chose in action upon any trust, or by way of mortgage, it shall be lawful for the court of chancery to make an order, vesting in any person or persons the right to transfer such stock or to receive the dividends or income thereof, or to sue for and recover such chose in action, or any interest in respect thereof; and when any person or persons shall be entitled jointly with any lunatic or person of unsound mind to any stock or chose in action upon any trust or by way of mortgage, it shall be law-

The court may convey estates of lunatic trustees and mortgagees.

May convey contingent rights.

The Court may transfer stock of lunatic trustees and mortgagees.

ful for the said court to make an order, vesting the right to transfer such stock, or to receive the dividends or income thereof, or to sue for and recover such chose in action, or any interest in respect thereof, either in such person or persons so jointly entitled as aforesaid, or in such last-mentioned person or persons, together with any other person or persons the said court may appoint.

Power to transfer stock of a deceased person.

39. When any stock shall be standing in the name of any deceased person whose personal representative is a lunatic or person of unsound mind, or when any chose in action shall be vested in any lunatic or person of unsound mind as the personal representative of a deceased person, it shall be lawful for the court of chancery to make an order, vesting the right to transfer such stock, or to receive the dividends or income thereof, or to sue for and recover such chose in action, or any interest in respect thereof, in any person or persons it may appoint.

Court may convey estates of infant trustees and mortgagees.

40. Where any infant shall be seized or possessed of any lands upon any trust or by way of mortgage, it shall be lawful for the court of chancery to make an order, vesting such lands in such person or persons, in such manner and for such estate as the said court shall direct; and the orders shall have the same effect as if the infant trustee or mortgagee had been twenty-one years of age, and had duly executed a conveyance or assignment of the lands in the same manner for the same estate.

Contingent rights of infant trustees and mortgagees.

41. Where any infant shall be entitled to any contingent right, in any lands upon any trust or by way of mortgage, it shall be
d.d.

lawful for the court of chancery to make an order, wholly releasing such land from such contingent right, or disposing of the same to such person or persons as the court shall direct; and the order shall have the same effect as if the infant had been twenty-one years of age, and had duly executed a deed so releasing or disposing of the contingent right,

42. When any person solely seized or possessed of any lands upon any trust shall be out of the jurisdiction of the court of chancery, or cannot be found, it shall be lawful for the said court to make an order, vesting such lands in such person or persons, in such manner and for such estate as the court shall direct; and the order shall have the same effect as if the trustee had duly executed a conveyance or assignment of the lands, in the same manner and for the same estate.

Court may convey the estate of a trustee out of the jurisdiction of the Court

43. When any person or persons shall be seized or possessed of any lands jointly with a person out of the jurisdiction of the court of chancery, or who cannot be found, it shall be lawful for the said court to make an order vesting the lands in the person or persons so jointly seized or possessed or in such last mentioned person or persons, together with any other person or persons in such manner and for such estate as the said court shall direct, and the order shall have the same effect as if the trustee out of the jurisdiction, or who cannot be found, had duly executed a conveyance or assignment of the lands in the same manner for the same estate.

Court may make order in cases where persons are seized of lands jointly with parties out of the jurisdiction of the Court.

44. When any person solely entitled to

Contingent rights of trustees. a contingent right in any lands upon any trust shall be out of the jurisdiction of the court of chancery, or cannot be found, it shall be lawful for the said court to make an order wholly releasing such lands from such contingent right, or disposing of the same to such person or persons as the said court shall direct; and the order shall have the same effect as if the trustee had duly executed a conveyance so releasing or disposing of the contingent right.

Court may make order in cases where persons jointly entitled with others out of the jurisdiction of the Court to a contingent right in lands. 45. When any person jointly entitled with any other person or persons to a contingent right in any lands upon any trust shall be out of the jurisdiction of the court of chancery, or cannot be found, it shall be lawful for the said court to make an order disposing of the contingent right of the person out of the jurisdiction, or who cannot be found, to the person or persons so jointly entitled as aforesaid, or to such last mentioned person or persons together with any other person or persons; and the order shall have the same effect as if the trustee out of the jurisdiction, or who cannot be found had duly executed a conveyance so releasing or disposing of the contingent right.

When it is uncertain which of several trustees was the survivor. 46. Where there shall have been two or more persons jointly seized or possessed of any lands upon any trust, and it shall be uncertain which of such trustees was the survivor, it shall be lawful for the court of chancery to make an order vesting such land in such person or persons, in such manner and for such estate as the said court shall direct, and the order shall have the same effect as if the survivor of such trustees

had duly executed a conveyance or assignment of the lands in the same manner for the same estate.

47. Where any one or more person or persons shall have been seized or possessed of any lands upon any trust, and it shall not be known, as to the trustee last known to have been seized or possessed, whether he be living or dead, it shall be lawful for the court of chancery to make an order vesting such lands in such person or persons in such manner and for such estate as the said court shall direct; and the order shall have the same effect as if the last trustee had duly executed a conveyance or assignment of the lands in the same manner for the same estate.

When it is uncertain whether the last trustee be living or dead.

48. When any person seized of any land upon any trust shall have died intestate as to such lands without an heir, or shall have died and it shall not be known who is his heir or devisee, it shall be lawful for the court of chancery to make an order vesting such lands in such person or persons, in such manner and for such estate, as the said court shall direct; and the order shall have the same effect as if the heir or devisee of such trustee had duly executed a conveyance of the lands in the same manner for the same estate.

When trustee dies without an heir.

49. In every case where any person is or shall be jointly or solely seized or possessed of any lands or entitled to a contingent right therein upon any trust, and a demand shall have been made upon such trustee by a person entitled to require a conveyance or assignment of such lands, or a duly authorized agent of such last mentioned person,

Power to convey in place of a refusing trustee, and in place of person entitled to contingent right.

requiring such trustee to convey or assign the same, or to release such contingent right, it shall be lawful for the court of chancery, if the said court shall be satisfied that such trustee has wilfully refused or neglected to convey or assign the said lands for the space of twenty eight days after such demand, to make an order vesting such lands in such person, in such manner and for such estate as the court shall direct, or releasing such contingent right in such manner as the court shall direct, and the said order shall have the same effect as if the trustee had duly executed a conveyance or assignment of the lands or a release of such right in the same manner and for the same estate.

Power to convey in
place of mortgagee.

50. When any person to whom any lands have been conveyed by way of mortgage shall have died without having entered into the possession or into the receipt of the rents and profits thereof, and the money due in respect of such mortgage shall have been paid to a person entitled to receive the same, or such last-mentioned person shall consent to an order for the reconveyance of such lands, then in any of the following cases it shall be lawful for the court of chancery to make an order vesting such lands in such person or persons in such manner and for such estate as the said court shall direct; that is to say,

When an heir or devisee of such mortgagee shall be out of the jurisdiction of the court of chancery, or cannot be found;

When an heir or devisee of such mortgagee shall, upon a demand by a person entitled to require a conveyance of such lands,

or a duly authorized agent of such last-mentioned person, has stated in writing that he will not convey the same or shall not convey the same for the space of twenty eight days next after the proper deed for conveying such lands shall have been tendered to him by a person entitled as aforesaid, or a duly authorized agent of such last-mentioned person;

When it shall be uncertain which of several devisees of such mortgagee was the survivor;

When it shall be uncertain as to the survivor of several devisees of such mortgagee, or as to the heir of such mortgagee whether he be living or dead;

When such mortgagee shall have died intestate as to such lands, and without an heir, or shall have died and it shall not be known who is his heir or devisee;

And the order of the said court of chancery made in any one of the foregoing cases shall have the same effect as if the heir or devisee or surviving devisee, as the case may be, had duly executed a conveyance or assignment of the lands in the same manner and for the same estate.

51. In every case where the court of chancery shall, under the provisions of this Act, be enabled to make an order, having the effect of a conveyance or assignment of any lands, or having the effect of a release or disposition of the contingent right of any person or persons born or unborn, it shall also be lawful for the said court, should it be deemed more convenient, to make an order appointing a person to convey or assign such lands, ^{Power to appoint a person to convey in certain cases.}

or release or dispose of such contingent right and the conveyance or assignment, or release or disposition, of the person so appointed shall, when in conformity with the terms of the order by which he is appointed, have the same effect in conveying or assigning the lands, or releasing or disposing of the contingent right as an order of the court of chancery would in the particular case have had under the provisions of this Act, and in every case where the court of chancery shall, under the provisions of this Act; be enabled to make an order vesting in any person or persons the right to transfer any stock transferable in the books of any bank or of any other company or society established or to be established in this island, it shall also be lawful for the court of chancery if it be deemed more convenient to make an order directing the secretary, deputy-secretary, or any officer of such bank, or other company or society, at once to transfer or join in transferring the stock to the person or persons to be named in the order; and this Act shall be a full and complete indemnity and discharge to such bank or other company or society, and its officers and servants, for all acts done or permitted to be done pursuant thereto.

When trustees of stock out of the jurisdiction.

52. When any person or persons shall be jointly entitled with any person out of the jurisdiction of the court of chancery or who cannot be found or concerning whom it shall be uncertain whether he be living or dead to any stock or chose in action, upon any trust, it shall be lawful for the said court to make an order vesting the right to transfer

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such stock, or to receive the dividends or income thereof, or to sue for or recover such chose in action or any interest in respect thereof, either in such person or persons so jointly entitled as aforesaid, or in such last mentioned person or persons together with any person or persons the said court may appoint; and when any sole trustee of any stock or chose in action, shall be out of jurisdiction of the said court, or cannot be found, or it shall be uncertain whether he be living or dead, it shall be lawful for the said court to make an order vesting the right to transfer such stock, or to receive the dividends or income thereof, or to sue for and recover such chose in action, or any interest in respect thereof, in any person or persons the said court may appoint.

53. Where any sole trustee of any stock or chose in action, shall neglect or refuse to transfer such stock or to receive the dividends or income thereof, or to sue for or recover such chose in action or any interest in respect thereof according to the direction of the person absolutely entitled thereto, for the space of twenty-eight days next after a request in writing for that purpose shall have been made to him by the person absolutely entitled thereto, it shall be lawful for the court of chancery to make an order vesting the sole right to transfer such stock or to receive the dividends or income thereof or to sue for or recover such chose in action, or any interest in respect thereof in such person or persons as the said court may appoint.

When trustee of stock refuses to transfer.

54. Where any person shall neglect or refuse to transfer any stock, or to receive the

On neglect to transfer stock for 28 days order may be made vesting right to transfer in such person as the Court shall appoint.

dividends or income thereof to sue for or recover any chose in action, or any interest in respect thereof, for the space of twenty-eight days next after an order of the court of chancery for that purpose shall have been served upon him, it shall be lawful for the court of chancery to make an order vesting all the right of such person to transfer such stock, or to receive the dividends or income thereof, or to sue for and recover such chose in action, or any interest in respect thereof, in such person or persons as the said court may appoint.

When one of several trustees of stock refuses to transfer or receive and pay over dividends.

55. When any one of the trustees of any stock or chose in action shall neglect or refuse to transfer such stock, or to receive the dividends or income thereof, or to sue for or recover such chose in action, according to the directions of the person absolutely entitled thereto, for the space of twenty-eight days next after a request in writing for that purpose shall have been made to him or her by such person, it shall be lawful for the court of chancery to make an order vesting the right to transfer such stock, or to receive the dividends or income thereof, or to sue for and recover such chose in action, in the other trustee or trustees of the said stock or chose in action, or in any person or persons whom the said court may appoint jointly with such other trustee or trustees.

When stock is standing in the name of a deceased person.

56. When any stock shall be standing in the sole name of a deceased person, and his or her personal representative shall be out of the jurisdiction of the court of chancery, or cannot be found, or it shall be uncertain whether such personal representative shall

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be living or dead, or such personal representative shall neglect or refuse to transfer such stock, or receive the dividends or income thereof, according to the direction of the person absolutely entitled thereto, for the space of twenty-eight days next after a request in writing for that purpose shall have been made to him by the person entitled as aforesaid, it shall be lawful for the court of chancery to make an order vesting the right to transfer such stock, or to receive the dividends or income thereof, in any person or persons whom the said court may appoint.

57. When any stock shall be standing in the sole name of a deceased person, and his personal representative shall refuse or neglect to transfer such stock or receive the dividends or income thereof, for the space of twenty-eight days next after an order of the court of chancery for that purpose shall have been served upon him, it shall be lawful for the court of chancery to make an order vesting the right to transfer such stock, or to receive the dividends or income thereof, in any person or persons whom the said court may appoint.

58. Where any order shall have been made under any of the provisions of this Act, vesting the right to any stock in any person or persons appointed by the court of chancery, such legal right shall vest accordingly, and thereupon the person or persons so appointed are hereby authorized and empowered to execute all deeds and powers of attorney and to perform all acts relating to the transfer of such stock into his or their own name or names, or otherwise, or relating to

the receipt of the dividends thereof, to the extent and in conformity with the term of such order; and all banks and all companies and associations whatever, and all persons shall be equally bound and compellable to comply with the requisition of such person or persons so appointed as aforesaid, to the extent and in conformity with the terms of such order, as such banks, or such companies, associations, or persons would have been bound and compellable to comply with the requisitions of the person in whose place such appointment shall have been made, and shall be equally indemnified in complying with the requisition of such person or persons so appointed, as they would have been indemnified in complying with the requisition of the person in whose place such appointment shall have been made; and after notice in writing of any such order of the court of chancery, concerning any such stock shall have been given, it shall not be lawful for any bank or any company or association whatever, or any person having received such notice, to act upon the requisition of the person in whose place an appointment shall have been made, in any matter whatever relating to the transfer of such stock, or the payment of the dividends or the produce thereof.

Banks and companies to comply with such order.

59. When any order being or purporting to be under this Act, shall be made by the court of chancery, vesting the right to any stock, or vesting the right to transfer any stock, or vesting the right to call for the transfer of any stock in any person or persons, in every such case the legal right to transfer such stock, shall vest accordingly;

and the person or persons so appointed shall be authorized and empowered to execute all deeds and powers of attorney, and to perform all acts relating to the transfer of such stock into his or their own name or names, or otherwise, to the extent and in conformity with the terms of the order; and all banks, and companies, and associations whatever, and all persons shall be equally bound and compellable to comply with the requisitions of such person or persons so appointed as aforesaid, to the extent and in conformity with the terms of such order as such banks, or such companies, associations, or persons would have been bound and compellable to comply with the requisitions of the person in whose place such appointment shall have been made.

60. Every order made or to be made, being or purporting to be made under this Act, by the court of chancery and duly passed and entered, shall be a complete indemnity to all banks and all companies and associations whatsoever, and all persons, for any act done pursuant thereto, and it shall not be necessary for such bank, or such company, or association, or person to inquire concerning the propriety of such order, or whether the court of chancery had jurisdiction to make the same.

61. When any order shall have been made under any of the provisions of this Act by the court of chancery, vesting the legal right to sue for or recover any chose in action, or any interest in respect thereof, in any person or persons, such legal right shall vest accordingly; and thereupon it shall be

Indemnity to banks
and companies
so objecting.

Effect of an order
vesting legal right
in a chose in action.

lawful for the person or persons so appointed to carry on, commence and prosecute in his or their own name or names any action, suit or other proceeding at law or in equity, for the recovery of such chose in action, in the same manner in all respects as the person in whose place an appointment shall have been made, could have sued for or recovered such chose in action.

Who may apply.

62. An order, under any of the hereinbefore contained provisions for the appointment of a new trustee or trustees, or concerning any lands, stock, or chose in action subject to a trust, may be made upon the application of any person beneficially interested in such lands, stock, or chose in action, whether under disability or not, or upon the application of any person duly appointed as a trustee thereof; and an order under any of the provisions hereinbefore contained concerning any lands, stock, or chose in action subject to a mortgage, may be made on the application of any person beneficially interested in the equity of redemption, whether under disability or not, or of any person interested in the moneys secured by such mortgage.

Power to petition the Court.

63. Any person or persons entitled in manner aforesaid to apply for an order from the said court of chancery may present a petition to the court of chancery for such order as he may deem himself entitled to, and may give evidence, by affidavit or otherwise, in support of such petition before the said court, and may serve such person or persons, with notice of such petition as he may deem entitled to service thereof.

64. Upon the hearing of any such motion or petition it shall be lawful for the said court, should it be deemed necessary, to direct a reference to the master of the court of chancery, ~~to~~ inquire into any facts which require such investigation, or it shall be lawful for the said court to direct such motion or petition to stand over, to enable the petitioner or petitioners to adduce evidence or further evidence before the said court, or to enable notice, or any further notice of such motion or petition to be served on any person or persons. What may be done upon petition.

65. Upon the hearing of any such motion or petition, whether any certificate or report from the master shall have been obtained or not, it shall be lawful for the court to dismiss such motion or petition, with or without costs, or to make an order thereupon in conformity with the provisions of this Act. Court may dismiss petition with or without costs.

66. Whensoever in any cause or matter, either by evidence adduced therein or by the admission of the parties, or by a report of the master of the court of chancery the facts necessary for an order under this Act shall appear to such court to be sufficiently proved, it shall be lawful for the said court, either upon the hearing of the said cause, or of any petition or motion in the said cause or matter to make such order under this Act. Power to make an order in a cause.

67. Whenever any order shall be made under this Act by the court of chancery for the purpose of conveying or assigning any lands, or for the purpose of releasing or disposing of any contingent right, and such order shall be founded on an allegation Orders made by the court, founded on certain allegations, to be conclusive evidence of the matter contained in such allegations.

of the personal incapacity of a trustee or mortgagee, or on an allegation that a trustee or the heir or devisee of a mortgagee is out of the jurisdiction of the court of chancery, or cannot be found, or that it is uncertain which of several trustees or which of several devisees, of a mortgagee was the survivor, or whether the last trustee, or the heir or last surviving devisee of a mortgagee, be living or dead, or on an allegation that any trustee or mortgagee has died intestate without an heir or has died and it is not known who is his heir or devisee, then in any of such cases the fact that the court of chancery has made an order upon such an allegation shall be conclusive evidence of the matter so alleged in any court of law or equity, upon any question as to the legal validity of the order; provided always that nothing herein contained shall prevent the court of chancery directing a re-conveyance or re-assignment of any lands conveyed or assigned by any order under this Act, or a re-disposition of any contingent right conveyed or disposed of by such order; and it shall be lawful for the said court to direct any of the parties to any suit concerning such lands or contingent right, to pay any costs occasioned by the order under this Act when the same shall appear to have been improperly obtained.

Costs may be paid
out of the estate.

68. The court of chancery may order the costs and expenses of and relating to the petition, orders, directions, conveyances, assignments, and transfers to be made in pursuance of this Act, or any of them, to be paid and raised out of or from the lands or person-

al estate, or the rents or produce thereof, in respect of which the same respectively shall be made, or in such manner as the court shall think proper.

69. Upon any petition being presented under this Act to the court of chancery, concerning a person of unsound mind, it shall be lawful for the said court, should it so think fit to direct, that a commission, in the nature of a writ "de lunatico inquirendo" shall issue concerning such person, and to postpone making any order upon such petition until a return shall have been made to such commission. Commission concerning person of unsound mind.

70. Upon any petition under this Act being presented to the court of chancery, it shall be lawful for the said court to postpone making any order upon such petition, until the right of the petitioner or petitioners shall have been declared in a suit duly instituted for that purpose. Suit may be directed.

71. It shall be lawful for the court of chancery to make declarations and give directions concerning the manner in which the right to any stock or chose in action vested under the provisions of this Act shall be exercised, and thereupon the person or persons in whom such right shall be vested shall be compellable to obey such directions and declarations by the same process as that by which other orders under this Act are enforced. Power to make declarations how the right to transfer stock to be exercised.

72. The several words hereinafter named are in sections thirty-one to seventy-six (both included) used and applied in the manner following respectively, that is to say ; Interpretation of terms.

The word "lands" shall extend to and include messuages, tenements and hereditaments, corporeal and incorporeal, of every tenure or description whatever may be the estate or interest therein.

The word "stock" shall mean any fund, annuity, or security transferable in books kept by any company or society established or to be established, or transferable by deed alone, or by deed accompanied by other formalities, and any share or interest therein.

The word "seized" shall be applicable to any vested estate for life or of a greater description, and shall extend to estates at law and in equity, in possession, or in futurity, in any lands.

The word "possessed" shall be applicable to any vested estate less than a life estate, at law or in equity, in possession or in expectancy in any lands.

The words "contingent right," as applied to lands, shall mean a contingent or executory interest, a possibility coupled with an interest, whether the object of the gift or limitation of such interest or possibility be or be not ascertained, also a right of entry, whether immediate or future, and whether vested or contingent.

The words "convey" and "conveyance" applied to any person, shall mean the execution by such person of every necessary or suitable assurance for conveying or disposing to another lands whereof such person is seized or entitled to a contingent right, either for the whole estate of the person conveying or disposing or for any less estate,
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together with the performance of all formalities required by law to the validity of such conveyance, including the acts to be performed by married women and tenants in tail.

The words "assign" and "assignment" shall mean the execution and performance by a person of every necessary or suitable deed or act for assigning, surrendering, or otherwise transferring lands of which such person is possessed, either for the whole estate of the person so possessed or for any less estate.

The word "transfer" shall mean the execution and performance of every deed and act by which a person entitled to stock can transfer such stock from himself to another.

The word "trust" shall not mean the duties incident to an estate conveyed by way of mortgage; but with this exception, the words "trust" and "trustee" shall extend to and include implied and constructive trusts, and shall extend to and include cases where the trustee has some beneficial estate or interest in the subject of the trust, and shall extend to and include the duties incident to the office of personal representative of a deceased person.

The word "lunatic" shall mean any person who shall have been duly and legally found to be a lunatic.

The expression "person of unsound mind" shall mean any person not an infant, who, not having been found to be a lunatic, shall be incapable, from infirmity of mind to manage his own affairs.

The word "devisee" shall, in addition

to its ordinary signification, mean the heir of a devisee and the devisee of an heir, and generally any person claiming an interest in the lands of a deceased person, not as heir of such deceased person, but by a title dependent solely upon the operation of the laws concerning devise and descent.

The word "mortgage" shall be applicable to every estate, interest, or property in lands or personal estate, which would, in a court of equity, be deemed merely a security for money.

Limitation of liability.

Limitation of liability of Executor in respect of rents, covenants &c. in leases in certain cases.

73. Where an executor or administrator liable as such to the rents covenants or agreements contained in any lease or agreement for a lease granted or assigned to the testator or intestate whose estate is being administered shall have satisfied all such liabilities under the said lease or agreement for a lease as may have accrued due and been claimed up to the time of the assignments hereafter mentioned, and shall have set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the lessee to be laid out on the property demised or agreed to be demised, although the period for laying out the same may not have arrived, and shall have assigned the lease or agreement for a lease to a purchaser thereof, he shall be at liberty to distribute the residuary personal estate of the deceased to and amongst the parties entitled thereto respectively without appropriating any part, or any

further part (as the case may be) of the personal estate of the deceased to meet any future liability under the said lease or agreement for a lease; and the executor or administrator so distributing the residuary estate shall not after having assigned the said lease or agreement for a lease, and having, where necessary, set apart such sufficient fund as aforesaid, be personally liable in respect of any subsequent claim under the said lease or agreement for a lease; but nothing herein contained shall prejudice the right of the lessor or those claiming under him to follow the assets of the deceased into the hands of the person or persons to or amongst whom the said assets may have been distributed.

74. In like manner, where any executor or administrator liable as such to the rent, covenants or agreements contained in any conveyance on chief rent or rent charge (whether any such rent be by limitation of use, grant or reservation) or agreement for such conveyance, granted or assigned to or made and entered into with the testator or intestate whose estate is being administered, shall have satisfied all such liabilities under the said conveyance or agreement for conveyance as may have accrued due and been claimed up to the time of the conveyance hereafter mentioned, and shall have set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the grantee to be laid out on the property, conveyed, or agreed to be conveyed, although the period for laying out the same may not have arrived and shall have conveyed such

Restrictions on liability of executor &c in respect of rents and in conveyances on chief rents in certain cases.

property, or assigned the said agreement for such conveyance as aforesaid, to a purchaser thereof, he shall be at liberty to distribute the residuary personal estate of the deceased to and amongst the parties entitled thereto respectively, without appropriating any part or any further part (as the case may be) of the personal estate of the deceased to meet any future liability under the said conveyance or agreement for a conveyance; and the executor or administrator so distributing the residuary estate shall not, after having made or executed such conveyance or assignment and having, where necessary, set apart such sufficient fund as aforesaid be personally liable in respect of any subsequent claim under the said conveyance or agreement for conveyance; but nothing herein contained shall prejudice the right of the grantor or those claiming under him to follow the assets of the deceased into the hands of the person or persons to or amongst whom the said assets may have been distributed.

**Distribution of assets
after notice to cre-
ditors to send in
claims.**

75. Where an executor or administrator shall have given such or the like notices as in the opinion of the court in which such executor or administrator is sought to be charged would have been given by the court of chancery in an administration suit, for creditors and others to send in to the executor or administrator their claims against the estate of the testator or intestate, such executor or administrator shall, at the expiration of the time named in the said notices, or the last of the said notices for sending in such claims, be at liberty to distribute the assets

of the testator or intestate, or any part thereof, amongst the parties entitled thereto, having regard to the claims of which such executor or administrator has then notice, and shall not be liable for the assets or any part thereof so distributed to any person of whose claim such executor or administrator shall not have had notice at the time of distribution of the said assets or a part thereof as the case may be; but nothing in the present Act contained shall prejudice the right of any creditor or claimant to follow the assets or any part thereof into the hands of the person or persons who may have received the same respectively.

76. Every deed will or other instrument creating a trust either expressly or by implication shall without prejudice to the clauses actually contained therein be deemed to contain a clause in the words or to the effect following; that is to say "that the trustees or trustee for the time being of said deed, will or other instrument shall be respectively chargeable only for such moneys, stocks, funds and securities as they shall respectively actually receive, notwithstanding their respectively signing any receipt for the sake of conformity, and shall be answerable and accountable only for their own acts receipts, neglects or defaults and not for those of each other, nor for any banker, brokers, or other person with whom any trust moneys, or securities may be deposited, nor for the insufficiency or deficiency of any stocks funds or securities nor for any other loss unless the same shall happen through their own wilful default respectively; and also

Every trust instrument to be deemed to contain clauses for the indemnity and re-imbursement of trustees.

that it shall be lawful for the trustees or trustee for the time being of the said deed, will or other instrument to re-inburse themselves or himself or pay or discharge out of the trust premises all expenses incurred in or about the execution of the trusts or powers of the said deed will or other instrument.

No action against executor on a promise, not written, to answer damages out of his own estate.

77. No action shall be brought whereby to charge any executor or administrator, upon any special promise, to answer damages out of his own estate, unless the agreement upon which such action shall be brought, or some memorandum or note thereof, shall be in writing, and signed by the party to be charged therewith, or some other person thereunto by him lawfully authorised.

Relief of trustees, etc.

Trustees &c, or the majority, may pay moneys into court.

78. All trustees, executors, administrators or other persons having in their hands any moneys belonging to any trust whatsoever, or the major part of them shall be at liberty on filing an affidavit in the office of the registrar in chancery shortly describing the instrument creating the trust according to the best of their knowledge to pay the same with the consent in writing of the vice chancellor of the court of chancery into the public treasury to the account of such vice chancellor in the matter of the particular trust (describing the same by the names of the parties, as accurately as may be for the purpose of distinguishing it) in trust to attend the orders of the said court of chancery, and all trustees, executors, administrators, or other per-

sons to whom any moneys may be due or owing to be standing in the names of any deceased persons of whom they shall be personal representatives, upon any trust whatsoever, or the major part of them shall be at liberty on filing such affidavit as aforesaid to deposit the instrument under or by virtue of which such moneys may be due or owing or secured or an abstract or statement thereof as the vice-chancellor shall require with the consent in writing of the said vice chancellor in the office of the said registrar in chancery in the matter of the particular trust (describing the same as aforesaid) in trust to attend the orders of the said court, and in every such case the receipt of the treasurer of the island for the money so paid, or in the case of any instrument the certificate of the registrar in chancery of the deposit of such instrument shall be a sufficient discharge to such trustees or other persons for the moneys so paid or the instrument so deposited.

79. If upon any petition presented to the vice chancellor of the court of chancery in the matter of this Act it shall appear to him that any moneys or securities or other instruments are vested in any persons as trustees, executors, or administrators, or otherwise upon trusts within the meaning of this Act, and that the major part of such persons are desirous of paying or delivering the same under the provisions of this Act, but that for any reason the concurrence of the other or others of them cannot be had, it shall be lawful for such vice chancellor to order and direct such payment or delivery to be made by the major part of such persons

Court may order moneys to be paid in, where concurrence of minority of trustees cannot be obtained.

without the concurrence of the other or others of them; and where any such moneys, securities, or other instruments shall be deposited with any banker or other depository it shall be lawful for such vice chancellor to make such order for the payment or delivery of such moneys, securities, or other instruments to the major part of such trustees, executors, administrators or other persons as aforesaid for the purpose of such moneys being paid to the treasurer of the island or such securities or other instruments being delivered to the registrar in chancery as to the said vice chancellor shall seem meet; and every payment of money or delivery of any securities or other instrument in pursuance of any such order shall be as valid and effectual as if the same had been made on the authority or by the act of all the persons entitled to the moneys, securities, or other instruments paid or delivered respectively and shall fully protect and indemnify all persons acting under or in pursuance of such order.

Court may order on petition the application of trust moneys, or the administration of the trust.

80. Such orders as shall seem fit shall be from time to time made by the court of chancery in respect of the trust moneys, securities, or other instruments so paid in or deposited as aforesaid, or for the investment and payment of any such moneys, or of any dividends or interest on any such moneys, securities, or other instruments, and for the transfer and delivery out of any such moneys, securities, and other instruments and for the administration of any such trusts generally upon a petition to be presented in a summary way to the vice chancellor without bill by such

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party or parties as to the court shall appear to be competent and necessary in that behalf, and service of such petition shall be made, upon such person or persons as the court shall see fit and direct; and every order made upon any such petition shall have the same authority and effect, and shall be enforced and subject to rehearing and appeal in the same manner as if the same had been made in a suit regularly instituted in the court, and if it shall appear that any such trust moneys cannot be safely distributed without the institution of one or more suit or suits, the vice chancellor may direct any such suit or suits to be instituted.

81. The vice chancellor shall have power, Vice Chancellor may and is hereby authorised to make such orders make general orders. as from time to time shall seem necessary for better carrying the provisions of the three last preceding sections of this Act into effect.

82. Any trustee, executor or administrator Trustee &c, may shall be at liberty without the institution of apply to court for a suit to apply by petition to the vice chan- advice. cellor of the court of chancery, or by summons upon a written statement to the said vice chancellor at chambers for the opinion, advice, or direction of such vice chancellor on any question respecting the management or administration of the trust property or the assets of any testator or intestate, such application to be served upon or the hearing thereof to be attended by all persons interested in such application, or such of them as the said vice chancellor shall think expedient, and the trustee, executor or administrator acting upon the opinion, advice

or direction given by the said vice chancellor shall be deemed so far as regards his own responsibility to have discharged his duty as such trustee, executor or administrator in the subject matter of the said application ; provided nevertheless that this Act shall not extend to indemnify any trustee, executor or administrator in respect of any act done in accordance with such opinion, advice or direction as aforesaid, if such trustee, executor or administrator shall have been guilty of any fraud or wilful concealment, or misrepresentation in obtaining such opinion, advice and direction, and the cost of such application as aforesaid, shall be in the discretion of the said vice chancellor.

**Petition for advice
to be signed by
counsel.**

83. Where any trustee, executor or administrator shall apply for the opinion advice or direction of the vice chancellor of the court of chancery under the last preceding section the petition or statements shall be signed by counsel, and the said vice chancellor may require the petitioner or applicant to attend him by counsel either in chambers or in court where he deems it necessary to have the assistance of counsel.

Trustees of charities.

Charitable trusts.

84. It shall be lawful for the court of chancery to exercise the powers herein conferred for the purpose of vesting any lands stock, or chose in action, in the trustee or trustees of any charity or society, over which charity or society the said court of chancery, would have jurisdiction upon suit duly instituted, whether such trustee or trustees shall have been duly appointed by any power

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contained in any deed or instrument, or by the decree of the said court of chancery, or by order made upon a petition to the said court under any statute authorizing the said court to make an order to that effect in a summary way upon petition.

Escheat &c., of trust estates.

85. No lands, stock, or chose in action vested in any person upon any trust or by way of mortgage or any profits thereof, shall escheat or be forfeited to her Majesty, her heirs or successors by reason of the attainder or conviction for any offence of such trustee or mortgagee, but shall remain in such trustee or mortgagee, or survive to his or her co-trustee or descend or vest in his or her representative, as if no such attainder or conviction had taken place. No escheat of property held on trust or mortgage.

86. Nothing contained in this Act shall prevent the escheat or forfeiture of any lands or personal estate vested in any such trustee or mortgagee so far as relates to any beneficial interest therein of any such trustee or mortgagee, but such lands or personal estate so far as relates to such beneficial interest shall be recoverable in the same manner as if this Act had not passed. Act not to prevent escheat or forfeiture of beneficial interest.

Repeal.

87. The several Acts mentioned in the schedule to this Act are hereby repealed to the extent mentioned, provided that Repeal.

(1.) Any rule order or bye-law now in force whether made under any enactment hereby repealed or not shall continue in force until otherwise provided : and

(2.) Any officer appointed under any enactment hereby repealed shall continue and be deemed to have been duly appointed under this Act; and

(3.) Any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment in this Act;

(4.) This repeal shall not affect,

- (a) the past operation of any enactment hereby repealed nor any thing duly done or suffered under any enactment hereby repealed; or
 - (b) any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed, or the exercise or enforcement thereof respectively; or
 - (c) any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactments hereby repealed; or
 - (d) any investigation legal proceeding or remedy in respect of any such right privilege, obligation, liability, penalty forfeiture or punishment as aforesaid and any such investigation legal proceeding and remedy may be carried on as if this Act had not passed; or
 - (e) any Act in which the enactments hereby repealed have been applied incorporated or referred to.
- (5.) This repeal shall not revive any enactment, right, office, privilege matter or thing not in force or existing at the passing of this Act.

h.h.

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SCHEDULE.

Date of Act.	Title of Act.	Extent of Repeal
1 November 1707.	An Act appointing an oath to be taken by executors, administrators, and guardians.	The whole Act.
11 January 1714	An Act for the better settling intestate's estates; and for enabling fathers to dispose of the custody of their children during their minority.	The whole Act.
30 November 1720	An additional Act to an Act entitled "An Act for the better settling intestates' estates; and for enabling fathers to dispose of the custody of their children during their minority."	The whole Act.
10 November 1885	An Act to amend "The real Estate Act 1858."	The whole Act.
17 July 1886	An Act for the relief of executors, administrators and trustees	The whole Act.

17 July 1886

An Act to give to trustees, mortgagees, and others, certain powers now commonly inserted in settlements, mortgages and wills.

30 September 1886

An Act for relieving trustees from the responsibility of administering trust moneys in cases where they are debarred of being so relieved.

The whole Act.

The whole Act.

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CAP. LXIX.

(Assented to 15th August 1891.)

BARBADOS

An Act to fix the salaries of the chaplains of the Legislative Council and House of Assembly, to define the powers of the printing committee, and to provide stationery for the clerk of the House of Assembly.

BE it enacted by the Governor, Council, and Assembly of this island, and by the authority of the same, as follows ;

Chaplains.

1. The chaplains of the Legislative Council and of the House of Assembly shall receive respectively an annual salary of thirty-two pounds, one shilling payable monthly from the public treasury on the warrant of the Governor-in-Executive Committee.

Salary.

Printing committee.

2. (1) The committee appointed by the House of Assembly to superintend the public printing of this island are hereby authorized from time to time to enter into such contracts for the performance of the public printing of this island as to them shall seem proper, and to accept and take such bonds in such penalties for the fulfilment of such contract as to them shall seem meet.

Powers of Committee.

(2) The sum agreed to be paid for printing the 'gazette' shall be paid monthly, by order of the Governor-in-Executive Committee on the treasurer in the same manner as public officers are paid.

Stationery for clerk.

3. The sum of twenty-five pounds per annum shall be paid monthly to the clerk of the House of Assembly, by the warrant of the Governor-in-Executive Committee on the treasurer of the island, to provide stationery for the use of his office.

Grant to clerk of house for stationery.

Repeal.

Repeal,

4. The several Acts mentioned in the schedule to this Act are hereby repealed to the extent mentioned, provided that

(1) Any rule, order, bye-law, license, certificate, bond or other contract now in force whether made under any enactment hereby repealed or not shall continue in force until otherwise provided ; and

(2) Any officer appointed under any enactment hereby repealed shall continue and be deemed to have been duly appointed under this Act ; and

(3) Any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this act or to the corresponding enactment in this Act.

(4) This repeal shall not affect.

(a) The past operation of any enactment hereby repealed nor any thing duly done or suffered under any enactment hereby repealed ; or

(b) any right privilege, obligation or liability acquired, accrued, or incurred under any enactment hereby repealed ; or

(c) Any penalty, forfeiture, or punishment incurred in respect of any

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offence committed against any enactments hereby repealed ; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability penalty forfeiture, or punishment as aforesaid ; and any such investigation legal proceeding and remedy may be carried on as if this Act had not passed ; or

(e) any Act in which the enactments hereby repealed have been applied, incorporated or referred to.

(5) This repeal shall not revive any enactment, right, office, privilege, matter or thing not in force or existing at the passing of this Act.

SCHEDULE.

Date of Act.	Title of Act.	Extent of Repeal.
5th July 1834.....	An Act to reduce the expenditure of this island	So far as relates to the chaplains of the legislature.
18th February 1873.	An Act to authorize the printing committee to enter into contracts for the public printing of this island.....	The whole Act.
31st, August 1870...	An Act to make provision for payment of stationery to certain public officers.....	The whole Act.
11th June 1875.....	An Act to consolidate and amend the several Acts of this island for the appointment of a superintendent of public works.....	Section six.
24th December 1879.	An Act to amend and consolidate the Acts of this island relating to the public library and museum.....	Section ten.

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CAP. LXX.

(Assented to 15th August 1891.)

BARBADOS.

An Act to remedy sundry inconveniences arising to Her Majesty's forces in this island.

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows ;

1. If any person shall harbour, conceal or assist any deserter from her Majesty's service, knowing him to be such, the person so offending shall, for every such offence, forfeit the sum of ten pounds, and if any person shall knowingly detain, buy or exchange or otherwise receive any arms, clothes, linen, caps, shoes or other apparel belonging to Her Majesty, from any soldier or deserter, or from any other person upon any account or pretence whatsoever, or cause the colour of such clothes to be changed, or the marks in such clothes or linen to be picked out or altered, the person so offending shall forfeit for every such offence the sum of ten pounds. Penalty for harbouring a deserter, or buying arms or apparel.

2. All penalties under this Act may be recovered in a summary manner before a police magistrate, on the complaint of any person, and paid one half to the complainant, and the residue into the treasury to the credit of the general revenue. Recovery and disposal of penalties.

3. The Act of the eighteenth day of April, one thousand seven hundred and eighty, entitled " An Act to remedy sundry inconveniences arising to Her Majesty's Forces in this Island " is hereby repealed ; pro-

vided that this repeal shall not affect the past operation of any enactment hereby repealed nor anything duly done or suffered under any enactment hereby repealed ; nor any right privilege obligation or liability acquired, accrued or incurred under any enactment hereby repealed, or any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactments hereby repealed ; or any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ; and any such investigation, legal proceeding and remedy may be carried on as if this Act had not passed.

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BARBADOS.

An Act to consolidate and amend the Acts of this Island relating to trade and navigation.

BE it enacted by the Governor, Council, and Assembly of this island, and by the authority of the same, as follows :

Short Title.

1. This Act may be cited as "The Trade Short title. Act, 1891."

Interpretation.

2. In this Act unless the context other- Interpretation of
wise requires ; terms.

"Colonial Warehouse" shall mean a warehouse owned or rented by the colonial government.

"Comptroller" shall mean the comptroller of customs, or any officer of the customs department deputed by him to perform any duties attached to the office of comptroller.

"Goods" shall mean all goods, chattels, live stock, wares, merchandise, and other things whatsoever, imported into this colony, whether prohibited or not, or liable to be reported at the Custom House, or liable to the payment of duty under this Act, or under the Customs Tariff Act, 1889, or under any other Act now in force, or

which may hereafter be passed imposing duties on goods imported into this colony.

"Importer" shall mean any owner or other person for the time being, possessed of or beneficially interested in any goods at and from the time of the importation thereof, until the same are duly delivered out of the charge of the customs officers, or the agent of such person.

"Master" shall mean the person having or taking the charge of any ship.

"Permit" shall mean a written permission to do anything under this Act signed by the comptroller or on his behalf by any officer in his department.

"Proper Officer" shall mean any officer of the customs department whose right or duty it may be to exact the performance of or to perform the act referred to.

"Ship" means a vessel of any kind or size whatsoever, used in navigating the sea, by whatever means the same may be propelled.

"Small Packages" shall mean small packages brought by passengers containing either samples and patterns of goods, or any description of merchandise not exceeding one ton.

"Treasurer" means colonial treasurer, or his lawful deputy.

"Warehouse" shall mean any place appointed under this Act, in which goods entered to be warehoused, may be lodged, kept, and secured.

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3. This Act shall be divided into eleven Divisions of the Act parts.

- Part 1—Ports and Quays.
- Part 2—Entry and Clearance of Ships.
- Part 3—Tonnage Dues.
- Part 4—Importation.
- Part 5—Warehousing.
- Part 6—Exportation.
- Part 7—Passengers and Baggage.
- Part 8—Bilge Water.
- Part 9—Smuggling,
- Part 10—Legal Procedure.
- Part 11—Miscellaneous.

PART I.

PORTS AND QUAYS

Ports of entry and clearance.

4. Subject to the provisions of section Bridgetown the only five of this Act, the port of Bridgetown shall be the only port in the colony for the entry, and clearance of ships and the lading and unloading of goods.

Exception.

5. On special application made to the Except in certain comptroller for permission to lade or unlade cases.

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goods at some place in the colony, other than the port of Bridgetown, setting forth the particulars of the goods sought to be so laded or unladed, the comptroller may grant a special permit to lade or unlade such goods at the place mentioned in such application, and may, in his discretion, direct a landing water to superintend the lading or unlading of such goods.

Remuneration for extra service of officer.

Fees payable to officers for extra services.

6. The travelling expenses of and the remuneration for extra services paid to such landing waiter, shall be paid by the importer of the goods, the consignee or the master, as the case may be, according to the rate to be fixed by the Governor-in-Executive Committee.

PART II.

ENTRY AND CLEARANCE OF SHIPS

Entry.

Obligations of ship-masters arriving in Barbados.

7. Subject to the provisions of sections twenty four and twenty five of this Act the master of any ship arriving at this colony shall be entitled to the privileges and subject to the obligations in the following sections mentioned.

Places of lading and unlading.

8. (1.) He may lade or unlade his ship

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within the harbour of the mole head, but only at such part thereof, or at such wharves and shipping places as the Executive Committee shall appoint. To lade or unlade within the Harbour of the Mole Head only in special cases

(2) He shall not enter the harbour of the mole head until he shall have obtained the permission of the harbour master to do so. Not to enter the carenage without permission of harbor master.

Communication with coast.

9. (1) He shall not leave his ship or allow any passenger or member of the crew to do so, or have any communication with the shore or with any boat from the shore, until he shall have been visited by the harbour master or his assistant and received permission so to do respectively; and if he or the consignee or agent of the ship shall require the harbour master or his assistant to visit the ship between six o'clock of the evening and six o'clock of the morning of the next day, the harbour master or his assistant shall do so on receipt of such fee as the Governor-in-Executive Committee shall allow. No communication with shore until harbor master shall have visited.

(2.) He shall not anchor his ship at, or have any communication with any part of the coast of this colony before he has brought such ship to the port of Bridgetown and obtained permission from the comptroller to visit any other part of the coast of this colony, or to have any communication therewith. No communication with coast before coming to Bridgetown.

Mooring.

10. He shall bring the ship forthwith to the place of mooring or unloading to be appointed by the harbour master, and shall To take up the berth appointed by the harbor master.

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as often as the harbour master may require, remove his ship to such other place of mooring or unloading as the harbour master may appoint.

Obedience to harbour regulations

To obey all reasonable orders of the harbor master. 11. He shall obey all reasonable orders that the harbour master may issue for the maintenance of good order, for the preventions of accidents, for the prevention of obstruction to navigation in the harbour and carenage, and for the prevention of obstruction to the loading or unloading of goods on or from any wharves, quays, or landing places.

Report on entry.

To report at custom house within 24 hours, and before bulk is broken. 12 He shall whether laden or in ballast come within twenty four hours and before bulk be broken to the Custom House for the port of Bridgetown, and there make due and true report in writing to the comptroller or other proper officer in the form numbered 1 in schedule A to this Act' and containing the several particulars indicated in or required thereby, and he shall truthfully answer all such questions concerning the said ship, and the cargo, crew, and voyage as shall be demanded of him by the comptroller or other proper officer.

Manifest.

To deliver to the comptroller a manifest of all goods on board. 13. He, or the consignee of such ship shall deliver to the comptroller, a manifest of all goods on board such ship, specifying the marks and numbers, the nature and contents

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of the packages as far as he is able to ascertain the same, with the weights and measurements together with the names of the consignees.

Ship bonds.

14. (1.) He shall subject to the proviso **To enter into bond.**
in the second paragraph of this section contained within twenty four hours after the arrival of his ship at the port of Bridgetown appear at the office of the comptroller and become bound by a bond to be given to our sovereign Lady Queen Victoria, her heirs and successors, himself in the sum of fifty pounds with one good surety in the sum of fifty pounds in the form numbered 2 in schedule A to this Act; and he shall pay into the treasury for the taking of such bond the sum of twelve shillings and six pence; provided always that no bond shall be required to be given in respect of steamships bringing a regular mail, but the fee of twelve shillings and six pence shall nevertheless be paid into the treasury by the consignee or agent of such steamship, and such consignee or agent shall clear such ship within three days after her departure, and in default of so doing shall be liable to a penalty not exceeding fifty pounds.

(2.) Provided always that the master of **Exception.**
any ship which arrives and depart without having landed or shipped any cargo shall not be required to enter into such bond.

Exemption from bond.

15. The master of a ship under seventy

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Bond in case of ships under 75 tons burden. five tons burden shall be required to give such bond for the first voyage in each year only, and the bond shall be in the form numbered 3 in schedule A to this Act.

Receiving sailors of other ships.

Not to receive seamen belonging to other ships. 16. He shall not, nor shall any person acting for him, receive any seaman or mariner belonging to any other ship while such ship is in any road or harbour within this colony to serve on board his ship before such seaman or mariner shall have been legally discharged.

Leaving any seaman on shore.

Not to leave behind on departing any seamen of his ship. 17. (1.) He shall not on departing from this colony, leave behind any seaman or mariner belonging to his ship, unless such seaman or mariner shall have been legally discharged, or shall have deserted, and the proof of such discharge or desertion shall, in any proceedings, be on the master.

(2.) The master of every ship from which any seaman shall desert, shall report, or cause the same to be reported to the police, within twenty-four hours.

Old metals.

Not to receive or suffer to be put on board any old gold &c. 18. He shall not receive or suffer to be put on board such ship during her stay at this colony, any old gold, silver, iron, copper, lead or other metals, except by a permit from the comptroller.

A.A.

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Mail letters.

19. He shall as soon after his arrival as practicable deliver to the post master or his deputies at the general post office all letters brought by him addressed to persons in this colony, except letters addressed to persons who shall be consignees of the ship or cargo on board any such ship, which may be delivered to such consignees; provided that it appears from the addresses on such letters that the addresses are the consignees of the ship or cargo as the case may be.

To deliver to the Postmaster all letters other than consignees letters brought here by him.

Petroleum.

20. He shall not, if the master of a ship carrying a cargo wholly or in part of petroleum, enter the carenage before six o'clock in the morning, or if he has any petroleum on board being cargo he is either lading or unlading, he shall not remain in the carenage after six o'clock in the evening: and he shall comply with the regulations relating to the mooring of ships carrying petroleum as cargo, and to the lading and unlading of petroleum.

If his ship carries any petroleum not to enter or leave the carenagesave within certain hours.

Harbour police fees.

21. (1.) He shall pay to the treasurer for the uses of the island, the sum of eight shillings and four pence on anchoring, and if he shall land or take in any cargo shall pay to the treasurer for the uses of the island the following additional dues;

To pay to the Treasurer the anchorage fee and certain other additional dues.

Vessels not exceeding 100 tons...	£0	8	4
Exceeding 100 tons and not exceeding 200 tons	}	0	10
Exceeding 200 tons and not exceeding 300 tons			
Exceeding 300 tons			
Exceeding 300 tons		0	12
Exceeding 800 tons		0	16
Exceeding 800 tons		6	8

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Case of vessels under 75 tons burden. (2.) Any ship under seventy five tons burden shall be liable to the payment of the said dues for only two voyages in each year, that is, the first voyage in the first six months and the first voyage in the second six months in the year.

Mole head dues.

If he comes within the harbour of the Mole Head to pay the Harbour Master the Mole Head dues. 22. He shall on coming within the harbour of the mole head, and whilst continuing within the said harbour, pay the harbour master or the person for the time being acting as such the following duties; that is to say for every ship or other vessel for

And the fee for his certificate.

groundage per day, the sum of one half penny for each and every ton; for every ship or other vessel, whilst loading or unloading as herein provided within the said harbour of the molehead, the sum of one penny per day for each and every ton; and for every ship or other vessel, whilst heaving down, the sum of one penny half penny per day for each and every ton. And also pay to the harbour master the sum of eight shillings and four pence for the certificate to be obtained from him in the form numbered four in schedule A to this Act. Provided always that the harbour master shall pay into the treasury daily all moneys received by him under this Act up to the time of such payment.

Exemption from dues and fees.

23. In every case in which all the cargo

landed or shipped by any ship does not exceed two tons, such ship shall be exempt from the payment of all dues and fees (other than tonnage dues) from which it would be exempt if no cargo was landed or shipped.

Exemption of ships from all dues and fees (except tonnage dues) if cargo landed or shipped does not exceed 2 tons.

Steam ship bringing a regular mail.

24. The master of a steamship arriving at the port of Bridgetown bringing a regular mail may land any goods therefrom without making a report of the ship or her cargo, but subject to the provisions of any regulation that may be made by the Governor-in-Executive Committee.

Master of a Steam ship bringing a regular mail may land goods without making a report.

25. The deposit, custody, and delivery of the goods so landed shall be conducted in accordance with the regulations made by the Governor-in-Executive Committee.

Regulations to be made by the Governor or in Executive Committee.

26. In every case where the master of a steam ship lands goods under the provisions of the two last preceding sections and the regulations made thereunder, the agent of such ship shall within three days after her arrival make to the comptroller a report in the prescribed form, so far as the same may be applicable, of the goods landed or to be landed from such ship; and if such agent fails to make such report, or make an untrue report, or does not truly answer any question put to him by the comptroller or proper officer, or if any of the regulations made under the two last preceding sections are not complied with, such agent shall in every such case be deemed guilty of an offence, and being convicted thereof shall be liable to a penalty not exceeding fifty pounds.

Agent of such vessel to make the prescribed report within three days.

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Clearance.

Clearance how and from whom obtained. 27. When the master shall have done all such things as by law he is required to do before he shall be entitled to a clearance, the comptroller or other proper officer shall give him a clearance of such ship for her intended voyage in the form numbered five in Schedule A to this Act.

As to Declaration.

Master to make a declaration in a prescribed form before the Comptroller. 28. (1.) He shall when about to leave the port make and subscribe a declaration before the comptroller, in the form numbered six in schedule A to this Act, and shall also state the contents of the cargo of such ship, if any, or state that she is in ballast, as the case may be, and shall answer such questions as shall be demanded of him in the same manner, and as nearly as may be as is prescribed to be observed on the entry of ships coming to this port: provided always that in the case of a steam ship bringing a regular mail the agent shall clear the ship within three days after her departure.

Oath to be made by Master before Treasurer as to Seamen who have deserted. (2) He shall, before leaving the island, declare on oath, before the comptroller who is hereby authorized and required to administer the same, whether any seaman has deserted or absented himself from his ship, and in case any seaman shall have deserted or absented himself from the said ship, the master thereof shall produce a certificate, under the hand of a sergeant of police to the effect that such master of such ship has duly reported the absence of such

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seaman, and he shall, in such case, further declare, on oath, before the said comptroller that he has used his best endeavours to apprehend such seaman, and the said comptroller is hereby required not to clear any ship until the requisition herein contained shall be complied with by the master.

As to part of inward cargo entered for exportation.

29. He shall, if there be on board the ship any goods being part of the inward cargo reported for exportation in the same ship, deliver to the proper officer a copy of the report inwards of such goods certified by the comptroller or other proper officer, who shall sign the same on being satisfied that the goods mentioned therein are on board.

To deliver a copy of the report inwards of all goods reported for exportation.

To deliver certificate of harbour master, &c.

30. He shall deliver to the comptroller or other proper officer a certificate from the harbour master in the form numbered four in schedule A to this Act, the copy of the report inwards, if any, of goods reported for exportation and the victualling bill: provided always that although in every case such certificate shall be required, yet any ship under seventy five tons burden shall be required to pay the fee for such certificate for two voyages only in each year, namely the first voyage in the first six months and the first voyage in the second six months in the year.

To deliver to Comptroller the Harbour Master's certificate &c.

Proviso as to vessels under 75 tons burden.

Ship stores.

Master of a ship about to start may obtain ship's stores without payment of duty.

31. The master of every ship about to depart from this colony shall on due request and on complying with the conditions hereinafter mentioned, be allowed by the proper officer to receive out of bond, without payment of duty, such goods as may be required or allowed by the proper officer for the use of such ship with reference to the number of the crew and the passengers on board, and the probable duration of the voyage on which she is about to depart.

Victualling bill to be prepared shewing ship's stores on board.

32. The master, or his agent, on making the request referred to in the last preceding section, shall deliver to the proper officer a written statement of the stores already on board, to which shall be added an account of the stores allowed by the proper officer as aforesaid, which statement when signed by the master and countersigned by the proper officer, shall be the victualling bill; and no stores shall be shipped for the use of any ship, nor shall any articles taken on board the ship be deemed to be stores except such as shall appear on the face of such victualling bill.

Declaration respecting old metals.

Master on clearance to declare that he has not unlawfully received on board old metals.

33 On the clearance of every ship at the said Custom House, the master of such ship shall make and subscribe the following declaration before the comptroller, that is to say;

" I A.B. (master of the ship called the
") do declare that I have

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"not received or suffered to be
"received on board my said ship
"during her stay here, nor do I
"believe that there is now on board
"of her, received since her arrival
"here, any old gold, silver, iron,
"copper, lead or other metals
"whatsoever, except such (if any)
"as have been duly shipped ac-
"cording to law, and now appear
"on the clearance of my said ship."

Rummaging, sealing, &c.

34. Any officer of the customs, on the Powers of officers of
arrival of any ship at any port of this colo- the Customs in re-
ny, or during the stay of such ship at any spect of ships arriv-
port, may do all or either of the following ing at or staying in
things: any port.

- (1) rummage and search at all times any part of the ship for prohibited, uncustomed or forfeitable goods;
- (2) remain on the ship until all the goods laden therein shall be duly delivered therefrom, or until her departure;
- (3) at all times have free access to the ship;
- (4) fasten down hatchways, or entrances to the hold;
- (5) mark any goods before landing of the same;
- (6) lock up, seal, mark or otherwise secure any goods on board such ship;
- (7) open any place, box or chest which may be locked, in the best manner in his power, if the keys thereon be withheld;

- (8) place any lock, mark, or seal upon any stores or goods taken from the warehouse, without payment of duty as stores, on board any ship departing from this colony.

Neglect of duty by master.

Penalty on Master 85. Any master who shall infringe, or infringing preceding fail to comply with the provisions, or either provisions.

Comptrollers power to detain ships.

of them of sections nine to twenty six both inclusive and of sections twenty eight to thirty one both inclusive and of section thirty three of this Act, shall, on conviction, be liable to a penalty not exceeding fifty pounds, and the comptroller or other proper officer shall have full power and authority to detain such ship and not allow the same to leave the port until proceedings can be instituted and prosecuted to a conclusion, and, if a conviction be obtained, the penalty and all expenses attendant thereon, have been duly paid.

Goods forfeited.

Forfeiture of goods not duly reported.

86. In case any goods be not duly reported, such goods shall be forfeited; provided always that if after such report shall have been made, it shall appear to the comptroller that any goods have been inadvertently omitted to be entered in such report but that there was no fraudulent intention in such omission the master shall be allowed to amend his report accordingly.

Removal of ship by harbour master.

87. The harbour master or other person
B.B.

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acting under his authority may, if the master should refuse or delay to do so, cause any ship to be removed at the expense of the owner thereof to such place or station as the harbour master may appoint, and all expenses incurred in such removal shall be paid before such ship shall be allowed to leave the port.

Power of Harbour Master to cause ship to be removed.

Breaking of locks, seals, &c.

38. If the officer shall place any lock mark or seal upon any goods on board, of any ship or on any place or package in which the same may be, and such lock, mark or seal be wilfully opened, altered or broken before due delivery of such goods, or if any of such goods be secretly conveyed away, or if the hatchways or entrances to the hold after having been fastened down by the officer be opened, the master of such ship shall forfeit a sum not exceeding one hundred pounds.

Penalty on Ship-master if any lock &c. placed by officer on any package &c. is opened &c.

Tampering with locks, &c., on ships' stores.

39. If any lock, mark, or seal placed by any officer on any ships' stores or on any place or package in which the same may be, be wilfully opened, altered, or broken, or if any such stores be secretly conveyed away while the ship remains in port, the master of such ship shall be liable to a penalty not exceeding one hundred pounds.

Penalty on Ship-master if locks &c. on ship stores are tampered with.

False declaration, &c.

40. If any ship shall depart from this port without having been duly cleared

Penalty on Shipmaster who departs without due clearance of his ship or refuses to make required declaration &c.

Penalty how recoverable in case the said Master does not return with the ship.

or the master shall refuse to make the declarations aforesaid or shall make false declarations or deliver a false content, or shall not truly answer the questions demanded of him, or shall receive any seamen or mariners belonging to any other ship while such ship is in any road or harbour within this colony to serve on board his ship, before such seamen or mariners shall have been legally discharged, or shall on departing from this colony, leave behind any seamen or mariners belonging to the ship unless such seamen or mariners shall have been legally discharged, or shall have deserted, he shall forfeit a sum not exceeding fifty pounds, and in case the said master of any such ship shall leave this port without such clearance, or make such false declarations, or deliver such false content, or answer falsely to the questions demanded of him, or shall receive or leave any seamen or mariners as aforesaid and not return to this port as the master of such ship, then on the next voyage of such ship to the port, it shall and may be lawful for the said comptroller to recover any sum not exceeding fifty pounds—which the said master of every such ship would have become liable to pay had he returned to the said port as such master—from the owner or master of every such ship and the said comptroller shall have full power and authority to detain the said ship until the amount shall have been duly paid, and all expenses attendant thereon.

Breach of conditions of ship's bond.

41. If either of the conditions of the ship's

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bond entered into under the provisions of Ship's bond enforcement sections fourteen and fifteen be broken, the able if either of its person bound thereby and his sureties shall conditions be broken. be severally liable to a penalty not exceeding fifty pounds.

PART III.

TONNAGE DUES.

42. The master of every ship landing or Tonnage duty of 1/- taking on board cargo shall pay to the colonial treasurer a tonnage duty of one shilling per ton on the registered tonnage, or tonnage duty to be computed on the weight or measurement of the goods landed or taken on board in the manner provided for in the table numbered seven in schedule A to this Act; provided always that in no case shall the tonnage duty computed on the weight or measurement as aforesaid exceed the amount arrived at by calculating the duty at one shilling per ton on the registered tonnage. *Proviso.*

Assessment of dues on mail steamers and ship.

43. The agent or consignee of steam ships arriving with cargo shall be required to deliver to the comptroller or other proper officer five days after entry of such steam ship, a freight list of all goods laden on board such steamship intended to be landed here, exhibiting the weight or measurement of all such goods, together with the bills of lading, on which shall be computed and determined Agent or consignee to deliver Comptroller freight list and bills of lading.

the amount of tonnage duties chargeable and to be paid on such steam ship, and the agent or consignee of every such steam ship shall be liable for and shall pay to the colonial treasurer within five days after the departure of every such steam ship, the amount of such tonnage duties, according to a warrant from the comptroller or other proper officer of the customs. And shall also at the same time produce to the comptroller or other proper officer of the customs a certificate from the harbour master according to the form numbered four in schedule

And to pay to the Colonial Treasurer the tonnage dues within 5 days after steamer's departure producing at the same time Harbour Master's certificate.

Agent or consignee of steamer leaving with goods laden here to produce to Comptroller an account of the weight or measurement of such goods.

A, showing that all rates, duties and fees to which such ship may be liable at the office of the said harbour master have been fully paid and satisfied. And in case of any such steamship leaving this port with goods laden at this port, the agent or consignee thereof shall within three days after the departure of such steamship, produce to the comptroller or other proper officer of the customs an account exhibiting the weight or measurement of all such goods on which shall be computed and determined the amount of tonnage duties chargeable and to be paid on such steam ship, and such account shall also exhibit the nature and description of the goods laden at this port as aforesaid.

Exemption from tonnage dues.

Tonnage dues on.

44. Tonnage duty shall not be payable in the following cases, or shall be payable only under the circumstances mentioned;

Ships under 75 tons burden.

(1) Ships under seventy-five tons burthen shall be liable to the payment of tonnage

dues in any one year once only on arrival and entry and once only on taking on board cargo, and these dues shall be paid on the registered tonnage of such ships.

(2.) Ships arriving and also departing in ballast only. Ships arriving and leaving in ballast.

(3.) Ships landing or taking on board passengers and their personal effects and small packages only and not breaking bulk or disposing of any part of their cargoes and not taking on board any cargo shall not be liable to the payment of the aforesaid tonnage duties, either inwards or outwards. Calling ships not breaking bulk or taking on board cargo.

(4.) Tonnage duty shall be chargeable on any ship which, after arriving here in distress and discharging cargo, is unable to take all or some portion of the cargo discharged on board again by reason of her damaged condition, such duty to be computed on the weight or measurement of the cargo not taken on board; provided always that if the cargo or such portion of it as shall have been left, shall be subsequently taken away by another ship, then the tonnage dues paid in respect of such first mentioned ship shall be refunded by the colonial treasurer to the master, owner, or consignee of such ship or their duly appointed agent, on the certificate of the comptroller. Ships arriving in distress.

(5.) No tonnage duty shall be chargeable to any ship which after arriving here in distress and discharging cargo, is subsequently unable to take it all on board again from difficulty of restowing.

(6.) Ships arriving here in distress and in ballast, which shall be subsequently abandoned or condemned by survey and

broken up shall be exempt from tonnage duties.

Ships importing or exporting Military or Naval stores. (7.) Ships importing or exporting military or naval stores for the use of Her Majesty's army and navy shall be free and exempt from all tonnage dues and fees; provided that such ships neither land nor take on board any goods, save such as are excepted under sub-section three of this section, and that proof be given to the officers of the customs that such stores are imported for the use of Her Majesty's army and navy, and warrant granted for the unloading of the same by the comptroller in the usual manner.

Ships belonging to any well known Yacht Squadron. (8) All Ships belonging to any well-known yacht squadron in Great Britain or elsewhere, which shall arrive at any port in this colony, shall be and they are hereby exempt from the payment of all tonnage, port and harbour dues payable under any Act of this island, and all such vessels shall be received in the ports of this colony on the same footing and be entitled to the same privileges as they enjoy in the ports of the United Kingdom; provided always that such ships do not land cargo, or take cargo on board except as ship stores.

Ships importing coal for the use of foreign ships of war. (9) Ships in which coal is imported for the use of steamships of war belonging to any foreign government shall be free and exempt from all tonnage and other duties; provided that such ships neither land nor take on board any goods save such as are excepted under sub-section three of this section and that proof be given to the comptroller that the coals so imported are solely for the use of such steamships and that they are

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to be deposited in a depôt to be appropriated exclusively for that purpose; and provided also that it shall be lawful for the Governor-in-Executive Committee, on any occasion when it shall seem fit to him, to suspend the operation of this sub-section.

(10.) Whaling ships arriving here with Whaling ships. cargoes of oil and landing oil for re shipment, shall be and they are hereby permitted to elect either to pay the ordinary tonnage dues or to put the oil in bond, paying at the rate of one shilling for every thirty one and a half gallons so landed and bonded.

(11.) Cargo transferred from one ship Cargo transferred to any other ship in any port of this island, from a steamship to or landed and warehoused for the purpose another vessel. of being thus transferred on a through bill of lading shall be exempt from tonnage duty but should such goods be sold or brought into consumption in this Island, then they shall be subject to the same rate of tonnage duty as would otherwise have been chargeable.

Assessment of dues.

45. When the tonnage duty is paid on Tonnage duty on the the tonnage of the ship, it shall be paid in ships tonnage how the following manner, that is to say; ascertained.

(1.) In the case of a British registered British ship. ship on the registered tonnage, as appears by the certificate of registry.

Foreign ships.

(2.) In the case of a ship belonging to a Foreign ships of a foreign nation which has adopted the Bri- nation which has tish rules for the measurement of ships, on adopted the British the tonnage denoted by the certificate of ment. rules for measure-

registry or other national papers in so far as the arrangement goes, and as directed by Her Majesty's Order in Council to that effect issued.

Foreign ships of other nations.

(3.) In the case of a ship belonging to any other foreign nation, on the tonnage to be ascertained by measurement according to the rules prescribed in the Imperial Merchant Shipping Act, 1854. and the Acts amending that Act, provided that when the difficulties of measurement are great, or when the application of the rule number two for external measurement of tonnage, of the Imperial Merchant Shipping Act, would result in making the ship to appear of a much greater capacity than the actual one by rule number one in the said Act for internal measurement an estimated equivalent or approximate measurement may be taken for the purpose of this Act from the particulars shown in the ship's papers, or otherwise; provided that if this approximation be objected to, the objector may demand measurement.

A certificate of measurement to be given if a foreign ship is measured in the island.

(4.) When a foreign ship has been actually measured in this island a certificate thereof shall be granted, and certificates of measurement by the authorised measurer issued at other ports in any part of Her Majesty's dominions shall be valid for the purposes of this Act. Such certificate shall be in force for two years from the date of issue, provided that the ships to which they relate are not altered during the period to an extent interfering with their original capacity, and that stores, cargo, or passengers are not carried in any spaces which have not

c.c.

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been included in, or which have not been deducted from the gross tonnage.

(5.) A measurement certificate thus given shall be renewable at the end of two years without re-measurement, if the ship upon survey is found to have been unaltered, and if stores, cargo or passengers have not been carried in any unmeasured or exempted spaces. This certificate to be renewable at the end of two years.

Settlement of disputes as to tonnage dues.

46. Should any difference of opinion arise between the comptroller or other proper officer of the customs and the master, consignee or agent of any ship as to the rating of cargo in respect of tonnage duties, the comptroller or other proper officer of the customs shall call in two disinterested merchants to ascertain and determine the matter in dispute, whose decision shall be final; and if the two merchants shall not agree in opinion they shall appoint an umpire, whose decision shall be final. Disputes as to rating of cargo in respect of tonnage dues to be settled by arbitration.

Penalty for landing or shipping more cargo than permitted

47. If under the permit to land or take on board part of cargo any larger quantity shall be landed or taken on board than is set forth in the permit, the vessel from which the same shall be landed, or on board of which the same shall be shipped, shall be liable to the payment of the full amount of the aforesaid tonnage duty, in addition to any other penalty imposed by this Act; and Liability of vessel if more cargo is landed or shipped than permitted to pay full tonnage dues.

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no ship shall be cleared out at the custom house until the duties aforesaid shall be paid.

PART IV.

IMPORTATION.

Any goods not by law prohibited may be imported. 48. It shall be lawful to import into this colony any goods which are not by this or any law in force at the time of importation thereof prohibited to be so imported.

Prohibited goods.

Prohibited goods imported to be forfeited. 49. The goods enumerated and described in the latter part of this section are hereby prohibited to be imported or brought into this colony and if any goods so enumerated and described shall be imported or brought into this colony, such goods shall be forfeited and may be destroyed or otherwise disposed of as the Governor-in-Executive Committee may direct; and the person who imports or brings such goods into the colony, or who keeps or conceals any such goods, and on conviction shall be liable to a penalty not exceeding one hundred pounds.

Penalty on importers.

Prohibited goods are Base Coin.

Coin below standard.

Indecent prints &c.

(1.) Base or counterfeit coin of any country.

(2.) Coin purporting to be British coin legally current in this colony but not being of the established standard in weight or fineness.

(3.) Indecent or obscene prints, paintings, photographs, books, cards, lithographs or

other engravings, or any other indecent or obscene articles.

(4.) Infected cattle, sheep or other animals, or the skin or any part thereof.

(5.) Arms, ammunition, gunpowder, or any other goods which may be prohibited by order of the Governor-in-Executive Committee.

Books.

50. It shall be lawful to import into this colony all books and reviews of whatever nature or kind, bound or in covers, from whatsoever country the same shall be imported, being reprints of books or reviews first composed, or written, or printed, or published in the United Kingdom.

51. On the importation into this colony of every reprint of any such book or review of whatsoever nature or kind the same may be, so as aforesaid first composed, written, printed or published, in the United Kingdom, and protected at the time of such importation by an Act of the Imperial Parliament passed to enforce the law of copyright, whether such reprint be imported from the United States, or from any other foreign country, there shall be paid an ad valorem duty, on the bona fide price of such reprints of twenty per cent; provided always that before the reprint of any book or review as aforesaid be made liable to such ad valorem duty, as aforesaid, the said book or review shall have been duly registered according to the provisions of any Act of the Imperial Parliament to regulate the law of

copyright; and provided also that the said duty shall not be paid on newspapers or other periodicals containing only extracts from such books, or reviews as aforesaid.

Such duty to be paid to the Treasurer and remitted to London. 52. The said duty shall be paid to the treasurer, who shall remit the same to the Lords Commissioners of the treasury in London with a detailed account thereof, at least once a year, in order that the said duty may be duly paid over to the registered proprietor of the copyright of such books or reviews respectively.

Such books to be stamped on importation. 53. At the time of the entry of any reprint of any book or review as aforesaid it shall be the duty of the officer passing such reprint to stamp the same, and the comptroller shall furnish to the several officers who may require the same the necessary stamps for such purpose.

Reprints imported contrary to this Act to be forfeited. 54. It shall not be lawful for any person to import or bring, or cause to be imported or brought into this island for use, sale, or hire, any reprint referred to in this Act, and hereby made liable to the duty aforesaid, contrary to the true intent and meaning of this Act; or knowingly to sell, publish or expose to sale, or let to hire, or have in his possession for use, sale or hire, any such reprint as aforesaid. And every such reprint so imported or brought into this island, sold, published, exposed to sale, or let to hire, shall be forfeited and sold, and one half of the proceeds of the sale thereof shall be paid to the officer of customs seizing the same, and the other half to the registered proprietor of the copyright of the books or review from which such reprint is made.

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And every person so offending, being duly convicted thereof, shall for every such offence forfeit and pay the sum of five pounds, and double the value of every copy of such reprint which he shall so import or cause to be imported into this island, or shall knowingly sell, publish, expose to sale, or let to hire, or shall have in his possession for sale or hire contrary to the true intent and meaning of this Act; and one half of such penalty shall be paid to the officer seizing, and the remainder thereof shall be paid to the treasurer, and remitted to the use of the proprietor of the copyright in the manner hereinbefore provided for. Penalty on offender

Entry—when to be made.

55. Every importer of goods shall, within the second day after the entry of the importing ship, make due entry of such goods, and in default of such entry it shall be lawful for the officers of the customs to convey such goods to the warehouse. Importer to make due entry of goods within two days after entry of ship.

Perfect entry.

56. The person entering any goods shall deliver to the comptroller or other proper officer, a bill of the entry thereof in the form numbered 8 in schedule A to this Act, fairly written in words at length containing the name of the importer, the name of the ship and of the place from which she came, and the particulars of the quantity or description of the goods and packages containing the same, and the marks and num- A bill of entry in the prescribed form to be delivered to the Comptroller by the person entering any goods.

bers on the packages, and the contents thereof; and shall then deliver at the same time one or more duplicates of such bills, in which all sums and numbers may be expressed in figures; the number of such duplicates shall be such as the comptroller shall require.

When perfect entry cannot be or is not made.

If perfect entry cannot be made Comptroller may allow an entry by bill of sight and the goods be landed. 57. (1.) If the importer of any goods shall make and subscribe a declaration in writing before the comptroller or other proper officer, that he cannot for want of full information make perfect entry thereof, the comptroller or other proper officer shall receive an entry by bill of sight for the packages or parcels of such goods, by the best description which can be given, and grant a warrant thereupon, in order that the same may be landed and secured to the satisfaction of the comptroller or other proper officer at the expense of the importer; and such goods may be seen and inspected by the importer in the presence of the proper officer.

Perfect entry to be made of goods so landed within 3 days. (2.) Within three days after the goods shall have been so landed the importer shall make a perfect entry thereof, and pay all duties due thereon, and in default of such entry or payment of duties, such goods shall be taken to the warehouse to be provided for the purpose of this Act.

Goods liable to be sold if such entry not made. (3.) If the importer shall not within one month after such landing make perfect entry of such goods or pay the duties due thereon, or warehouse the same if liable to be ware-

housed, together with charges of removal and warehouse rent, the comptroller shall cause the same to be sold by public auction to the highest bidder, giving at least four days' public notice in the Official Gazette of the time and place appointed for the sale; and the money arising from the sale thereof shall be applied in the first place in payment of the said duties, charges, and warehouse rent, together with the charges that shall have been occasioned by the sale thereof, and the overplus (if any) shall be paid to the proprietor of the goods or other person authorised to receive the same. Proceeds how applied.

(4.) In case of goods imported in a steamship if they are not cleared from the Warehouse appropriated to their reception on landing, within five days, they shall be dealt with in the same manner as in the last preceding sub-section is directed. Goods imported by steamship and not cleared from Warehouse within 5 days, how dealt with.

Entry or warrant—when valid

58. No entry or warrant for the landing of any goods shall be deemed valid, unless the particulars of the goods and packages in such entry or warrant shall correspond with the particulars of the goods and packages purporting to be the same in the report of the ship or other report (where any is required) by which the importation or entry thereof is authorised, nor unless the goods shall have been properly described in such entry by the denomination, and with the character and circumstances according to which such goods are charged with duty or may be imported; and any goods No entry &c. valid unless it is consistent with the report of the vessel &c. nor unless the goods imported are therein properly described.

If entry &c. invalid goods liable to forfeiture.

Proviso.

Power of Comptroller to open packages on suspicion of fraud.

taken or delivered out of any ship by virtue of any entry or warrant not corresponding or agreeing in all such respects, or not properly describing the same shall be deemed to be goods landed without due entry thereof and shall be forfeited; provided always that if it shall appear to the comptroller that any goods shall have been inadvertently omitted or entered in excess on such entry but that there was no intention to defraud, the entry may be amended; and it shall be lawful for the comptroller or other proper officer after the entry of any goods, on suspicion of fraud, to open or examine any package of such goods in the presence of two or more credible witnesses; and if upon examination the same shall be found to agree with the entries, they shall be repacked at the public cost but if otherwise they shall be forfeited.

When contents of packages unknown.

Or if the importer &c. is ignorant of packages contents.

59. Any package of which the importer or his agent shall declare the contents to be unknown to him. may be opened and examined by the comptroller or other proper officer in the presence of such importer or agent and at the expense of the importer, who shall also bear the expense of re-packing.

Duties—when to be paid.

Duties to be paid on goods warehoused at the time of entry.

60. (1) Every importer shall at the time of entry of goods pay all duties payable upon such goods, except in the case of goods warehoused; and the comptroller or other
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proper officer shall immediately on payment of such duties grant his warrant for the landing of such goods.

Exemption.

(2.) The owner of any article which after Reimportation of payment of the import duty (if any) charge- articles exported able thereon is exported from this island after payment of the import duty thereon. may re-import the same free of duty if the following conditions are fulfilled.

(a.) If before exporting the articles he files in the office of the comptroller a declaration of his intention to subsequently re-import the same, such declaration accurately describing it and stating its value ; and

(b.) if on re-importation he satisfies the comptroller that the article imported is the one previously exported by him :

Provided always that if any alteration or repair is made in or to such article before its re-importation, duty shall on its being re-imported be paid on the full value of such alteration or repair.

Ad valorem duties.

61. (1) Whenever the duties imposed by Value of goods sub- any Customs Tariff Act or any other Act ject to advalorem relating to the trade of this island upon the importation of goods, are not according to the weight, table, guage, or measure, but according to the value thereof, such value shall be ascertained by the declaration of the importer or his known agent, and such declaration shall be written on the bill of entry of such goods, and shall be subscribed with duties to be ascertained by declaration of importer.

the name of the importer or his known agent in the presence of the comptroller, or other officer acting for him.

Comptroller may demand the invoice of such goods. (2.) The comptroller may whenever he shall consider it expedient to do so demand that the invoice of such goods shall be produced to him, and he may also require the importer of the goods, or his known agent, to declare on oath that the invoice so produced exhibits the true and real value of the goods, and the comptroller is hereby authorized to administer the oath for such purpose.

Penalty for producing a false or fraudulent invoice. (3) If the invoice produced shall be false or fraudulent, the importer shall be liable to a penalty of five hundred pounds, in addition to any other punishment to which he might by law be liable for having made a false declaration on oath.

Comptroller may require goods to be opened and examined by two competent persons to ascertain their value. (4.) And if the service price or value of the goods is not known, and the comptroller shall deem it necessary or if the comptroller shall for any other reason deem it necessary to ascertain the value of the same, or the officer charged with the superintendence of the landing of any such goods shall consider it necessary to have the same examined he shall report thereon to the comptroller, and the goods shall be opened and examined, and if upon view thereof it shall appear to the comptroller necessary for the purpose of ascertaining the value as aforesaid of such goods he is hereby authorized to appoint two competent persons to examine the goods who shall declare upon oath before the comptroller what is to the best of their knowledge and belief the true and real value of the

goods. And if such two persons shall disagree in opinion, the comptroller shall appoint a third person as umpire who in like manner shall examine and make oath to the value of the goods and the decision of such third person shall be accepted by the comptroller as final; and the value so declared to on oath with the addition of ten pounds per cent thereon in the case of goods which have been invoiced or valued below the true and just value thereof, shall be deemed to be the true and real value of such goods, and thereupon the duties imposed by the Customs Tariff Act or any other Act relating to the trade of this island shall be charged thereon and paid. And in default or refusal of immediate payment the comptroller or other officer acting for him shall take and secure the article with the casks or other packages thereof, and cause the same to be publicly sold to the highest bidder for the same within twenty days after such default or refusal, notice of the time and place of sale being first given for not less than four days in the Official Gazette; and the money arising from the sale thereof shall be applied in the first place in payment of the said duties together with the charges incidental to the sale thereof, and the overplus (if any,) shall be paid to the importer or proprietor of the articles, or other person authorised to receive the same.

If the duty on such goods is not paid Comptroller may sell the same.

Proceeds of sale how applied.

(5.) Such competent persons or umpire as aforesaid shall each be allowed as a remuneration for each valuation at the discretion of the comptroller a sum not exceeding one pound to be paid from the public treasury.

Remuneration of valuers employed.

Loss of duty paid goods.

Abatement or return of duty calculated or paid on goods subsequently lost.

62. When any ship shall be entered at the custom house, on board of which there shall be any goods on which any duty has been paid, and the said goods shall thereafter be lost or destroyed before the same shall be landed from such ship or from any ship, craft or boat employed to land the same ; then on proof being made on the oath of one or more credible witness or witnesses, before the comptroller, (which oath the comptroller is hereby authorised to administer), and to his satisfaction, that such goods or any part thereof (specifying the same) have been so lost or destroyed before the landing of the same ; the duties on the whole, or the part thereof so proved to be lost or destroyed, shall be abated, or if the same shall have been paid, be returned to the owner by the treasurer, on a certificate being granted for that purpose by the comptroller or other proper officer, and examined by the Auditor General as hereinafter provided.

Duties on wrecked goods.

Goods liable to specific duties saved from a wreck if intact liable to full duty.

63. In all cases in which it may happen that a ship wrecked on any part of the coast of this island, and goods are in anywise saved therefrom, and articles subject to specific duties form a part of the salvage, and are brought or washed on shore intact or free from damage, the comptroller shall require the full duties leviable thereon, as if regularly imported to be paid by the consignee or master of such ship, or by the

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auctioneer charged with the sale thereof; but
 if any such goods liable to specific duties, But if damaged or
 are damaged, or by the mode of salvage are mixed with damaged
 mixed up in a lot with other damaged goods goods subject to
 subject to ad valorem duties, then the comp- advalorem duties
 troller shall require a duty of ten per cent on then liable to an ad-
 the value of the said lot of goods, ascertain- valorem duty of
 ed by the sale, to be paid into the treasury 10 o/o.
 by either of the aforesaid persons interested
 in such ship and the salvage thereof; and
 where goods which if regularly imported Goods subject to ad-
 would be subject to ad valorem duty shall be valorem duty if un-
 saved from any wrecked ship in an undam- damaged liable to
 aged and merchantable state they shall be sub- same duty.
 ject to the said ad valorem duty only; provi- Proviso.
 ded that in all cases where a duty is paid on
 goods wrecked and in damaged condition,
 such duty shall not amount in the whole to
 more than half of what would have been
 paid if such goods being liable to specific
 duty had been landed in good condition.

Rebate of duty on damaged goods.

64. (1) If any goods imported on which Comptroller in case
 duties are payable, shall receive damage by of damaged goods to
 water or otherwise during the voyage, after have the extent of
 such goods shall have been laden or shipped damage its cause and
 and before the same shall be unshipped ordi- their value, if sound
 narily charged from the ship in which the same determined by three
 shall have been imported, or from any ship, merchants.
 craft, or boat into which the said goods may
 have been transhipped for the purpose of
 being landed, so that the owner thereof shall
 be prejudiced in the sale of such goods, the
 comptroller shall have power to choose three
 disinterested merchants, experienced in the

value of such goods, who, or any two of them upon viewing the same, shall certify and declare what damage such goods have received, and what was the cause of such damage, and what was the sound value of such goods; and if the cause of the damage is such as is hereinbefore specified, the importer or owner of such goods, shall pay the full duty on such goods, but on the sale of them, either by public auction or by private contract, and on signing the declaration numbered 9 in schedule A to this Act be entitled to receive a proportionate rebate of the duty on such goods on the order of the comptroller to the treasurer.

Rebate of duty may be obtained on sale of such goods.

Remuneration of valuers.

(2) Each of the said merchants shall be allowed as a remuneration for such valuation at the discretion of the comptroller, a sum not exceeding one pound to be paid by the owner.

Penalty.

(3) If the declaration above mentioned be false in any material particular, the person making it shall be liable to a penalty of one hundred pounds.

Re-funding of duties.

Governor-in-Executive Committee empowered to order refund of duties in certain cases.

65. It shall be lawful for the Governor-in-Executive Committee, by order on the treasurer, to refund any duties, dues, fees, tonnage dues, rents, or other sums of money which may have been paid into the treasury under the provisions of this Act, or any amending Act, or any other Act relating to trade and navigation, in error, or in excess of what was due or as duty on articles not arriving by the ship for which the duty paid warrants are passed,

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Flotsam and jetsam.

66. All goods derelict, jetsam, flotsam, and Goods derelict &c. wreck brought and coming into the island and liable to duty as if all droits of admiralty sold in the island imported. shall be subject and charged with the same duties as are chargeable on the like kinds of goods on importation into the island.

Landing of goods from ships, other than steam ships.

67. Subject to the provisions of the next following section, goods shall be landed subject to the following provisions, that is to say

(1) They shall not be unshipped or landed until due entry of such goods shall have been made, and a warrant granted for the unloading of the same. Due entry to be first made &c.

(2) They shall, subject to the provisions of the section five, be landed only at the port of Bridgetown. To be landed only at Bridgetown.

(3) They shall not be landed at any places in the port of Bridgetown other than those appointed by the comptroller with the sanction of the Governor-in-Executive Committee. At specially appointed places.

(4.) They shall not be landed except in the presence or with the authority in writing of the proper officer. Officer to be present.

(5.) They shall not be unshipped or landed except with the consent of the comptroller, on Sunday, Good Friday, and Christmas Day on a public holiday or on any day set apart for divine service by proclamation. Not to be landed &c. on Sundays and Holidays &c.

(6) They shall be landed only during such hours as the Governor-in-Executive Com- To be landed only during regulation hours.

- mittee shall by regulation appoint, except the permission of the comptroller has been obtained to land during some other hours.
- Not to be removed from one boat to another before being landed. (7) They shall not, after having been unshipped or put into any boat to be landed be transhipped or removed into any other boat previously to their being landed, without the permission of the proper officer.
- To be landed without delay. (8.) They shall after having been unshipped, be forthwith landed at the place at which the same are intended to be landed.

Landing of goods from steam ships.

Conditions and restrictions as to unshipping and landing goods from steamships. 68. Goods may be unshipped and landed from a steam ship without due entry having been first made subject to the following conditions and restrictions, that is to say;

(1.) They shall be unshipped and landed in accordance with the provisions of subsections two, three, four, seven, and eight of the preceding section.

(2.) They shall be deposited in such places as the Governor-in-Executive Committee may from time to time by rule appoint.

(3.) They shall be deposited, kept in custody, and delivered in accordance with regulations to be made by the Governor-in-Executive Committee.

Penalties

Penalty on breach of two last sections. 69. Whoever shall infringe the provisions of the two last preceding sections shall on conviction be liable to a penalty not exceeding one hundred pounds.

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PART V.

WAREHOUSING.

Appointment of warehousing.

70. The Governor-in-Executive Committee shall from time to time on the recommendation of the comptroller by notice to be published in the Official Gazette, appoint, and alter or revoke such appointment, such warehouses as may be required for the warehousing of goods under the provisions of this Act.

Warehouse charges.

71. (1.) The comptroller shall prepare and submit for the approval of the Governor-in-Executive Committee a scale of charges for the warehousing of goods and such scale when approved and published in the Official Gazette shall have the force and effect of law.

(2.) The Governor-in-Executive Committee shall have power to amend or revoke such scale of charges as often as may be necessary, and such amendments or revocations shall in like manner be published in the Official Gazette.

72. The comptroller shall detain all goods warehoused in the colonial warehouse until all charges in respect of warehousing the same shall have been paid.

Goods that may be warehoused.

73. Subject to the provisions of the next

All goods liable to duty may be warehoused unless warehousing expressly forbidden.

following section it shall be lawful for the importer to warehouse in the warehouses to be appointed for that purpose without payment of duty upon the first entry thereof any goods subject to duties of customs the importation and warehousing whereof is not prohibited by any law in force at the time of such importation.

Goods that may not be warehoused.

Goods the duty on which is less than 20/.

74. (1.) No goods shall be warehoused unless the duties thereon amount to twenty shillings.

Goods prohibited by regulation.

(2) The Governor-in-Executive Committee may from time to time by regulation to be published in the Official Gazette settle and declare a list of goods which shall not be warehoused.

Goods in transit.

Goods in transit may be warehoused.

75. Subject to the last preceding section all goods landed here in transit for places specially mentioned and so declared at the time of entry, may be warehoused in the same manner as other goods; provided always that such goods shall be exported within three months from the date of entry and if the same shall not be exported within the said three months, the duty thereon shall then be paid by the importer.

Proviso.

Proper officer to take an account.

76. Upon the entry and landing of any goods to be warehoused, the proper officer

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shall take a particular account of such goods at the wharf at which they shall be landed, or in the warehouse if they be goods of which the account is permitted to be taken in the warehouse, and shall mark each package or lot with such distinguishing marks or numbers as directed by the comptroller, and shall enter the same in a book to be kept for that purpose.

Account of goods to be warehoused where and how to be taken.

Officer to certify entry and warehousing.

77. When such goods shall have been so deposited, with the authority of such officer, he shall certify that the entry and warehousing of such goods is complete, and such goods shall be considered from that time goods duly warehoused.

When goods to be deemed duly warehoused.

Importer to give bond.

78. (1.) Upon the entry of any goods to be warehoused, the importer, instead of paying down the duties thereon shall give a special bond to the comptroller with sufficient security to be approved of by him in a penalty equal to treble the amount of the duty payable on such goods with the condition for the safe depositing of such goods in the warehouse mentioned in such entry, and for the exportation or for the shipment thereof as stores, according to the first account taken of such goods upon the landing of the same and with further conditions that no part thereof shall be taken out of such warehouse until cleared from thence upon entry and payment of duty, or upon due entry for ex-

Importer of goods to be warehoused instead of paying down the duties to give a special bond.

portation or shipment as stores, and with further condition that the whole of such goods shall be so cleared from such warehouse and the duties upon any deficiency of the quantity according to such first account paid within two years from the date of the first entry thereof, and such bond shall not be discharged until the goods shall have been accounted for to the satisfaction of the comptroller, nor until the full duties due upon any deficiency of such goods not so accounted for, shall have been paid.

A general bond to continue in force for 12 months may be given instead of a special bond on each occasion.

(2.) In lieu of giving a special bond on every occasion of entry of goods for warehousing any importer may give a general or continuing bond to the comptroller with sufficient security and in such penalty as the Governor in Executive Committee shall approve with the like conditions as the special bond above mentioned.

(3.) Such general bond shall cover all imports and exports for twelve months only.

Penalty.

(4.) No penalty shall be recovered under such general bond other than treble the amount of duty payable on the goods in respect of which a breach of such bond shall have been made.

New bond on change of ownership.

Purchaser of goods warehoused to enter into a new bond.

79. If after any such bond shall have been given, the goods warehoused, or any part thereof, shall be sold or disposed of, the comptroller may allow a new bond to be given by the new owner or person having control over such goods with sufficient security to be approved by the comptroller, and

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may cancel the bond, if a special bond, given by the original bonder of such goods or may exonerate the original bonder to the extent of the new security as the case may be; provided that if the purchaser has already given a general bond under section seventy nine, that bond shall extend and apply to all such goods so transferred to him as if the same had not been specially given for that purpose. Proviso.

Sale of goods in bond.

80. Goods warehoused in the colonial warehouse or in a licensed bonding warehouse may be transferred into the name of a purchaser on his producing to the proper officer a written order for the delivery thereof signed by the owner of the goods, and countersigned by the comptroller, if the goods are in the colonial warehouse, or by the owner or occupier if the goods are in a licensed bonding warehouse. Goods warehoused to be transferred into purchaser's name on production of a delivery order.

81. Goods so transferred shall be discharged from all claims in respect of duties to which the transferor is liable, but may not be subject to the provisions of the next section be delivered out of bond for home consumption until payment of the duties and other charges chargeable thereon. Such goods discharged from claims on transfer or for duties.

82. The transferee on application to, and on giving security to the satisfaction of the comptroller for the payment of the duties, may remove, under the superintendence of the proper officer such goods to another licensed bonding warehouse. Removal of such goods by transferee.

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Goods not to be removed, &c.

Forfeiture of goods entered to be warehoused. 83. If any goods entered to be warehoused shall not be duly carried into and deposited in the warehouse, or being duly warehoused, shall be in any way concealed in or removed from the warehouse, or abstracted from any package, or transferred from one package to another, or otherwise for the purpose of illegal mixing, removal, or concealment they shall be forfeited.

Goods to be stored to allow easy access.

Penalty for not stowing goods so as to allow of easy access. 84. If the owner or importer of the goods or the occupier of the warehouse shall neglect to stow the goods warehoused therein so that easy access may be had to every package and parcel thereof, he shall be liable to a penalty not exceeding five pounds.

Goods to be produced on request of Officer.

Penalty for non-production of goods warehoused and not duly cleared and delivered therefrom. 85. If the owner or importer of the goods or the occupier of the warehouse shall not produce to any officer of the customs on his request, any goods deposited in a warehouse which shall not have been duly cleared and delivered therefrom, such owner, importer, or occupier shall for every such neglect forfeit a sum not exceeding five pounds, in respect of every package or parcel not so produced, besides the duties due thereon.

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Sorting and repacking of goods.

86. It shall be lawful for the comptroller under such regulations as he shall see fit to make, to permit the owner or other person having control over all goods warehoused, to sort, separate, pack, and re-pack any such goods, and to make such lawful alterations therein, or arrangements or assortments thereof, as may be necessary for the preservation of such goods, or for the sale, shipment, or legal disposal of the same, and also to permit any parts of such goods so separated to be destroyed, and the goods so destroyed shall not be liable to the payment of any duties.

Comptroller empowered to permit sorting and repacking of goods and destruction of parts thereof.

Sampling of goods.

87. It shall be lawful for the comptroller, under such regulations as he shall see fit to make, to allow samples to be taken of any goods so warehoused, without entry and without payment of duty, except as the same shall eventually become payable as on a deficiency of the original quantity.

Comptroller empowered to allow samples to be taken.

Whole packages may be abandoned without payment of duty.

88. It shall be lawful, for any person to abandon any whole packages to the officers of the customs for the duties, without being liable to any duty upon the same.

Abandonment of goods for duty.

When goods may not be removed.

89 (1.) No goods shall be taken out of

No goods other than remainders to be taken out if duty thereon is less than 10/.

the warehouse for home consumption unless the duties thereon amount to ten shillings nor for exportation unless the duties thereon would, if entered for home consumption, have amounted to ten shillings.

(2.) The foregoing restrictions shall not apply to remainders of warehouse goods nor to goods taken out for ship's stores.

Removal to another warehouse.

Comptroller may permit removal of goods from one warehouse to another.

90. Any goods may, with the permission of the comptroller and under such regulations as he may prescribe, be removed from one warehouse to another, on the delivery to the proper officer by the person requiring such removal of a request note, stating the particular of the goods required to be removed, the name or number of the warehouse to which the same are intended to be removed, and such other information as the comptroller may require.

No goods to be removed without entry and payment of duty.

Due entry to be made of all goods taken out &c.

91. (1.) No goods which have been warehoused shall be taken or delivered from the warehouse, except upon due entry and under the care of the proper officer for exportation or for stores, or upon due entry and clearance for home use.

Duty to be paid on any deficiency of quantity originally warehoused.

(2.) Whenever the whole of the goods warehoused under any entry shall be cleared from the warehouse, or whenever further time shall be granted for any such goods to remain warehoused, an account shall be

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made out of the quantity upon which the duties have been paid, and of the quantity exported and of the quantity (to be then ascertained) of the packages of goods still remaining in the warehouse, as the case may be, deducting from the whole the quantity contained in any whole packages (if any) which may have been abandoned for duties, and if upon such account there shall in either case appear to be a deficiency of the original quantity, the duty payable upon such deficiency shall then at once be paid.

Duties on spirits, &c, when taken out, how charged.

92. The duties on spirits, wine, malt liquor and tobacco when cleared from the warehouse for home use shall be charged upon the quantities ascertained by measure strength or weight at the time of actual delivery thereof unless there is reasonable ground to suppose that any portion of the deficiency or difference between the measure, strength and weight ascertained on landing and first examination of such spirits wine, malt liquor and tobacco and that ascertained at the time of actual delivery, has been caused by illegal or improper means in which case the comptroller shall make such allowance only for loss as he may consider fairly to have arisen from natural evaporation or other legitimate cause.

Duties on Spirits &c. to be charged only on quantities as ascertained at the time of delivery out of bond.

When warehoused goods to be cleared.

98. (1.) All goods warehoused shall be

Goods warehoused to be cleared within 2 years. duly cleared, either for exportation or for home consumption within two years from the day of first entry for the warehousing thereof; but it shall be lawful for the comptroller to grant further time for any such goods to remain warehoused, if he shall see fit to do so.

If not to be sold as herein provided. (2.) If any such goods shall not be so cleared, the same shall, after seven days notice to the warehouse keeper, or to the owner, if he be known, be sold by public auction, either for home use, if worth the duty thereon, or for exportation, with or without the consent of the warehouse keeper, and the proceeds thereof shall be applied to the payment of the duties, warehouse rent and charges, and the surplus (if any,) shall be paid to the owner or proprietor of such goods if known, but if such owner or proprietor cannot be found such surplus shall be paid into the treasury to abide the claim of such owner or proprietor.

If not sold to be destroyed. (3.) If such goods cannot be sold as aforesaid, they shall be destroyed.

No duty on deficiency of goods for exportation.

No duty charged on deficiency of goods cleared for exportation &c. 94. No duty shall be charged in respect of any deficiency in goods entered and cleared from the warehouse for exportation unless the comptroller has reasonable ground to suppose that such deficiency, or any part thereof, has arisen from illegal abstraction or other improper causes.

Articles for repairs of ships free.

95. All articles required for the building

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repair, or refitting of vessels in this island may be taken out of bond for such purposes in the same manner as ships stores are now taken from a bonded warehouse.

Articles for repairs of ships to be passed out of bond free of duty.

Forfeiture of goods.

96. If any goods entered to be warehoused shall afterwards be taken out of the warehouse without due entry and clearance they shall be forfeited.

Goods taken out without due entry &c. to be forfeited.

PART VI.

EXPORTATION.

Goods exportable.

97. (1.) Subject to the exception mentioned in the second part of this section all goods may be exported.

General rule.

(2.) The following goods may by proclamation or order of the Governor-in-Executive Committee be prohibited either to be exported or carried coast wise, namely arms, ammunition and gunpowder, military and naval stores, and any articles which the Governor-in-Executive Committee shall judge capable of being converted into, or made useful in increasing the quantity of military or naval stores, provisions of any sort, or victual which may be used as food by man, or any articles the exportation of which it may in the opinion of the Governor-in-Executive Committee, be necessary to prohibit to ensure the observance of the laws of neutrality or any other laws of war. And if any goods

Governor-in-Executive Committee may prohibit exportation of arms &c.

so prohibited shall be exported from this island or carried coastwise, or be water-borne to be so exported or carried, they shall be forfeited.

Exporting of cigars, spirits or wine.

Exporter of cigars &c. previously bonded to produce within 6 months a certificate of other proof of their having been landed at the place to which shipped.

In default the duties thereon to be paid.

98. The exporter of cigars, tobacco, matches, spirits, or wine, bonded in any warehouse in this island, shall within six months after such shipment, produce to the comptroller a certificate from the comptroller or properly authorised officer of the port or place to which the said goods have been sent or shipped that the same have been duly entered or landed according to law; provided that if from the length of the voyage or other reasonable cause, such certificate cannot be produced, the said time may be extended at the discretion of the comptroller, or if the said goods should be lost at sea, or in harbour, satisfactory proof shall be given thereof to the comptroller; provided always that the certificate of a British consul at any foreign port, and, in the absence of a British consul, then of two disinterested resident merchants, shall be deemed satisfactory proof of the landing: and provided also that a certificate shall not be required for goods delivered as ships' stores to ships of any nation. In default whereof the party who may have bonded the same in the island shall be called on by the comptroller to pay the duties on such goods as if the same had been passed for consumption in this island; and should such party refuse payment of the same the

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said comptroller shall proceed under the yearly bond given by such party, and should such party be in possession of a warehouse the license shall be withdrawn, and the party declared not eligible thereafter to be the holder of any bonding warehouse.

Exporting of rum.

99. The master of every ship about to sail on his outward voyage having rum on board, the produce of this island, shall previous to clearing out his ship, deliver to the treasurer a manifest containing a full account of the rum on board, with the marks and numbers of the casks, the name of the distillery on which the same was made, and of the shippers, signed and declared to as correct by the said master, in the form numbered 10 in schedule B to this Act. Masters of vessels having rum on board to deliver a manifest to the Treasurer.

100. The comptroller shall not clear any vessel having rum on board, the produce of this island, until the master delivers to him a certificate from the treasurer in the form numbered 11 in schedule A to this Act that the manifest of the rum and declaration have been duly lodged with him; provided always that nothing in this section contained shall interfere with the provisions of this Act requiring entries outwards to be made at the customs for exports, whether of articles previously imported or being the produce of this island. Comptroller not to clear such vessels until a certificate from the Treasurer is produced.

Exporting of old metals.

101. No person shall export from this

Written notice of intention to export old metals to be given to Comptroller.

island or lade or put on board any ship or boat, to be exported as aforesaid, any old metal without giving notice in writing of such intended exportation to the comptroller at least forty eight hours before any such old metal shall be shipped or waterborne, and such notice shall be signed by the person intending to ship the same, and shall contain a true and satisfactory description of the old metal so to be shipped, and of the quantity thereof, under a penalty not exceeding a sum of one hundred pounds.

Penalty for false accounts in such notice or fraud.

102. If in any such written notice any false account shall be wilfully given of the description or quantity of such old metal so intended to be shipped or waterborne, or if any fraud shall appear to be intended as to the shipping or exporting of such old metal every person signing such notice shall be liable to a penalty not exceeding the sum of one hundred pounds.

Exporters' duties.

Person entering goods for exportation to deliver Comptroller a bill of entry thereof and one or more duplicates of each bill.

103. The person entering any goods for exportation shall deliver to the comptroller or other proper officer, a bill of the entry thereof in the form numbered 12 in schedule A to this Act, fairly written in words at length, containing the name of the exporters the name of the ship, and of the place to which bound and of the place within the port where the goods are to be laden and the particulars of the quantity or description of the goods and packages containing the same, and the marks and numbers on the packages, and the contents thereof; and

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he shall then deliver at the same time one or more duplicates of such bills, in which all sums and numbers may be expressed in figures and the number of such duplicates shall be such as the comptroller shall require.

DRAWBACKS.

104. The Governor-in-Executive Committee shall from time to time settle and declare by notice to be published in the Official Gazette a list of articles on the exportation of which a drawback of the duty shall be allowed. List of goods on which drawback is to be granted to be settled.

105. (1) On the exportation of any such articles a drawback of the duty shall be allowed; provided the amount claimed be not less than ten shillings; the exporter giving due notice before shipment of the same and passing an export warrant at the custom house in the usual form, stating the particulars thereof and before payment of such drawback shall be made, a certificate under proper authority at the port to which such goods have been exported, of the landing of such goods, shall be produced to the comptroller or other proper officer of the customs; or if the said goods shall be lost at sea, or in harbour, satisfactory proof thereof shall be given to the comptroller; provided also that no claim be allowed where a longer period than twelve months from the date of importation has elapsed, except in the case of horses and mules, when no drawback shall be allowed after a period of six months has elapsed from the Conditions on which a drawback may be obtained.

time of importation; and the comptroller shall issue an order on the treasurer to pay such drawback, such order being previously examined and signed by the auditor general. But no drawback of duty whatsoever shall be paid unless the landing certificate be produced to the proper officer of customs within six months from the date of the exportation of the articles.

On commercial travellers' samples.

Drawback of duty on samples &c. brought to the Island by Commercial travellers and subsequently taken away by them. (2) A drawback of the duty paid on any sample or specimen of goods brought to the island by a bona fide commercial traveller and subsequently taken away by him shall be allowed; provided it is shewn to the satisfaction of the proper officer that such sample or specimen is re-shipped and about to be taken away and is the same as the sample or specimen on which duty has been previously paid, and such drawback shall be paid by the treasurer on the order of the comptroller, such order being previously examined and signed by the auditor general.

On coal for steamers, on export.

Drawback on coal or coke supplied for the use of steamers obtainable on certain conditions. 106. In the case of coal or coke supplied for the use of steam ships resorting to this port, or exported, the person so supplying or exporting shall be entitled to drawback thereon, on giving due notice to the comptroller, by passing the usual export warrant
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for drawback, and in case of any coal or coke shall be shipped on Sundays or holidays, or after official hours, the drawback warrant may be passed, and satisfactory proof of the shipment be lodged at the custom house with the comptroller on the following day, but not later; and the drawback on any such shipment shall be granted as hereinbefore stated in section one hundred and five.

On articles imported for repairs.

107. (1) The consignee of all articles imported into this island for repairs alteration or improvement, shall immediately on the receipt thereof make a declaration before the comptroller setting forth such fact together with a true description of such articles, and of their value, and shall file the same in the office of the said comptroller.

Refund of duty on all articles imported for repairs alteration or improvement.

(2) The consignee of such articles on exporting the same shall on satisfying the comptroller that the articles have been exported and are the same that he received for repairs, alterations or improvement, be refunded by the treasurer the amount paid by him as duty on the importation of such articles; provided always that no such duty shall be refunded unless the articles shall have been exported within three months of their importation and such claim for refund shall have been made within two months of such exportation.

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PART VII.

PASSENGERS AND BAGGAGE.

Landing of passengers.

Place of landing for passengers. 108. (1) All persons coming to this colony on board ships or boats shall land or be landed at the port of Bridgetown at such landing place only as the Governor-in-Executive Committee shall by rule appoint.

(2) Persons desiring to land at any other part of the coast must first obtain the written consent of the comptroller.

(3) Any person infringing the provisions of this section shall be liable to a penalty not exceeding twenty pounds.

Search of, by the officer.

Power to search passengers given to Customs officers. 109. Any officer of the customs may search any person who shall have landed on this island from any ship or boat; provided such officer shall have good reason to suppose that such person is carrying or has any uncustomed or prohibited goods about his person.

Right of appeal to Comptroller. 110. Before any person shall be searched he may require to be taken with reasonable despatch to the comptroller, who shall if he see no reasonable cause for search, discharge such person, but if otherwise, direct that he be searched, and if a female she shall not be searched by any other than a female.

Passengers to answer questions put by Customs officers. 111. Every person or passenger on board any ship or boat, or who may have landed from any such ship or boat shall, upon being

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questioned by any officer of the customs truthfully state whether he has any prohibited goods or goods liable to duty upon his person, or in his possession, or in his baggage; and if he shall deny having such goods on his person or in his possession or in his baggage, and after such denial any such goods shall be discovered to be or to have been upon his person or in his possession, or in his baggage such goods shall be forfeited, and such person or passenger shall be liable to a penalty not exceeding one hundred pounds.

112. (1) The baggage of all persons landing from any ship or boat shall be landed, at a place to be appointed by the Governor-in-Executive Committee, and taken thence to the baggage warehouse where it may be searched by an officer of the customs either thoroughly or partially. Passengers baggage where and in whose presence to be landed.

Exception

(2) The kit of any soldier and the baggage of any officer may be landed at the adjutant general's pier or engineer's pier without an officer of the customs being present, and need not be taken thence to the baggage warehouse; provided always that no officer's baggage shall be landed under this Act unless such officer shall previously have signed a declaration according to a form to be settled by the Governor-in-Executive Committee to the effect that such baggage contains no article liable to duty.

113. The duty payable on goods, the possession of which any person or passenger Duty on passengers goods payable to Customs Officers.

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shall admit or deny, shall be paid to an officer of the customs who is hereby required to receive and give a written receipt for the same and pay it into the treasury.

Removal of baggage from the baggage warehouse.

114. Baggage shall be removed from the baggage warehouse after it has been examined or after payment of duty on any articles liable to duty that it may contain; and baggage left at the baggage warehouse shall remain there at the risk of the owner; and if it shall not be removed within five days, it shall be removed to the colonial warehouse, and if it shall remain there fourteen days seven days notice having been first given in the Official Gazette it shall be sold, and the proceeds after payment of all fees and expenses paid into the treasury to abide the claim of the owner to whom it may be paid on the order of the Governor in-Executive Committee on the treasurer.

PART VIII.

BILGEWATER.

Landing and disposing of bilgewater.

Harbour master to give a permit for the landing of any bilgewater.

115. In every case in which it shall be intended to land bilgewater from any ship in Carlisle bay, the person so intending shall previously take to the harbour master the duplicate inward entry passed by the treasurer therefor, as hereinafter provided for, and the harbour master shall thereupon write an instruction to the sergeant or other policeman in charge of the harbour police

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boat on duty in Carlisle bay or the careenage, authorising him to permit such landing, upon receiving from the person in charge of any boat or lighter conveying to the shore any bilgewater, a declaration in print and writing, in the form numbered 13 in schedule A to this Act, from the master of any ship from which any bilgewater shall be so sent, that it is the natural and regular leakage of the produce on board such ship, and that no improper or unfair means of any kind whatever, have been used to increase the said normal leakage of such produce; and the sergeant or other policeman in charge of the harbour police boat, as aforesaid, shall take and keep the said declaration given in respect of each particular quantity of bilgewater so in process of being landed, and shall certify, on the original certificate, and authorization, that he has seen and checked the quantity of bilgewater, and has examined and retained the master's declaration, and shall sign his name and the date of such signature, and deliver the certificate back to the person presenting it, and such document shall be retained by the person having charge of the landing of such bilgewater, as his lawful authority for such purpose.

116 The consignee of any ship desiring to land bilgewater shall in the first instance, before resorting to any of the provisions of this Act relating to bilgewater pass an entry inwards with the treasurer, in triplicate and in the form numbered 14 in schedule A to this Act, stating the name and all particulars of the ship, master, port of arrival and port of departure, the number and de-

Consignee of any vessel desiring to land bilgewater first of all to pass an entry thereof inwards at the Treasury.

scription of packages in which such bilgewater is contained, the probable total number of gallons, and, when practicable, the density of such bilgewater by Beaume's saccharometer, together with the name of the consignee, and the name of the boat or drogher, or other ship, by which such bilgewater is to be brought on shore, and of the person in charge thereof and of the owner thereof, and shall at the time of passing such entry inwards pay to the treasurer a sum of five shillings for every puncheon of bilgewater to be brought on shore; and the treasurer, after numbering all such entries in numerical order, shall direct the duplicate of such inward entry, to the harbour master, who, upon receipt thereof, shall then act in accordance with the provisions of the last preceding section restricting his authority to permit the landing of any such bilgewater to the quantity particularly mentioned and described in such inward entry; and the treasurer shall transmit the triplicate of such inward entry as aforesaid to the proper officer of customs, who shall, upon the landing of the bilgewater described in any such entry, examine the same so as to satisfy himself as to the correctness of the quantity stated in such entry, and he shall inscribe the date of such landing in short numbers, thus—1-1-89, signifying the first day of January, one thousand eight hundred and eighty nine, on each cask, and shall test the density of such bilgewater by Beaume's saccharometer; and should such density be above 30 deg. Beaume, he shall call upon such consignee

making such inward entry, to make a post entry, and to pay the sum of two pence additional at the treasury for every degree of density above 30 deg.. And whenever any such bilgewater shall, on being tested immediately on its being landed, be of a less density than 30 deg., the officer ascertaining the same shall fill up a printed form with all particulars thereof, in the form numbered 15 in schedule B to this Act, and shall deliver the same to the treasurer, who shall thereupon remit to the person who made the entry inwards, and paid five shillings for any puncheon of bilgewater, so much of any sum paid as may appear to have been paid in excess, at the rate of two pence for every degree of density below 30 deg. down to 13 degrees by density of Beaumé's saccharometer, inclusive: but no allowance or remission shall be granted for any degree of density below 13 deg. inclusive. Any person attempting to land any bilgewater contrary to the provisions of this Act shall, in addition to any other penalties or forfeitures imposed by this Act, be subject to a penalty of five pounds for every package of bilgewater so landed. The treasurer shall keep an account of the sums of money received for bilgewater, and shall furnish a quarterly statement thereof, in the same manner as is or may be provided with respect to rum in any Act relating to rum. Penalty.

117. All officers of customs, officers of inland revenue, and policemen, are specially enjoined and required to examine casks and packages landed from vessels taking in molasses. Examination of casks and packages landed from vessels taking in molasses.

cargoes of molasses, purporting to be empty,

so as to discover whether any molasses, or saccharine liquid or bilgewater has been illicitly and unlawfully brought on shore in such casks, and in case of discovery of any such illicit transactions, they shall seize such casks and their contents, and every person so offending shall, on conviction, be fined in a sum not exceeding twenty pounds for every such offence.

Time when bilgewater may be landed.

118. It shall not be lawful to bring to the shore or to land any bilgewater from any ship in any port or bay of this island, except between the hours of eight o'clock in the morning, and four o'clock in the afternoon, of working week days. And the harbour master, or any officer of the customs, any officer of the inland revenue or any police magistrate or policeman may demand from any person in charge of any bilgewater, which is being brought on shore, or being in process of landing, his authority for the legal possession thereof, and any person refusing to show such authority to any person authorised to require its production shall be subject to a penalty not exceeding ten pounds.

Authority for possession thereof may be demanded.

Bilgewater attempted to be landed illegally may be seized and sold.

Any bilgewater attempted to be landed contrary to any of the provisions of this Act, shall be seized by any of the persons authorised by this Act, to demand information respecting bilgewater, and shall be sold according to the notice, and forms used by the custom house authorities when goods or ships are seized and sold.

General penalty for offences relating to bilgewater.

119. Every person who shall contravene or infringe any of the provisions of this Act relating to bilgewater shall—except as particularly provided for in the last preceding

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section—on conviction thereof forfeit and pay a penal sum of not less than ten shillings nor more than fifty pounds, at the discretion of the police magistrate before whom the case may be tried.

PART IX.

SMUGGLING,

Powers of officers

120. Any officer of the customs, of the inland revenue, any police constable or sworn constable or any person acting under the authority of any officer of the customs may, upon reasonable suspicion, stop and examine any boat, cart, or other vehicle, or any beast of burden, for the purpose of ascertaining whether any smuggled goods, or goods liable to forfeiture under this or any Act of this island relating to trade and navigation are contained therein or carried thereon; and any person in charge of or rowing or driving such boat, cart or other vehicle, or such beast of burden, who refuses to stop when required to do so as aforesaid, shall be guilty of an offence and being convicted thereof shall be liable to a penalty not exceeding fifty pounds, and if the person stopping or searching such boat, cart, or other vehicle, or such beast of burden, acted under a reasonable suspicion or had reasonable cause for such stoppage or search, he shall not be liable to any action or prosecution on account thereof.

Customs' officers &c.
empowered to stop
and search boats &c.
to detect smuggling.

Freedom of passage
over private lands
given to officers &c.
employed to prevent
smuggling.

Police officers may
inspect bathing
houses.

121. Any officer mentioned in the last preceding section or any person acting under the authority of or in aid of any officer of customs may, when on duty or when employed in the prevention or detection of smuggling, or in carrying out the provisions of this Act, without let or hindrance and without liability to any action or suit, freely pass over any private lands.

122. Every police officer subject however to the rules and regulations now and hereafter to be made for the good government of the police, is hereby empowered, at any time both by night and by day, whenever he shall have reasonable ground to suspect that any private wharf, bathing house, or other erection in the sea, now or hereafter to be erected, is being perverted to the purpose of smuggling, to visit and inspect the same; and he shall have free access to every such wharf, bathing house or other erection, free from question, let, or hindrance, anything to the contrary in any private Act notwithstanding; provided always nevertheless, that no such bathing house shall be entered by any police officer between sunrise and sunset, if any person is bathing therein until after one half hour's notice shall have been given to such person bathing, and also that such officer other than the inspector-general, so entering any such private wharf, bathing house or other erection in the sea, shall report his visit to the inspector-general of police within a reasonable time afterwards and the result, and also the cause such officer had for suspecting that such private wharf, bathing house, or other erection in the

sea, had been perverted to the purposes of smuggling under a penalty not exceeding five pounds, to be recovered in a summary manner before a police magistrate on the complaint of the party aggrieved.

Forfeiture of goods and ships.

123. Goods together with any goods Goods &c. liable to which shall be found packed with or used forfeiture. in concealing them,—and the packages shall be forfeited in each of the following cases.

(1.) Goods liable to the payment of duties Dutiable goods un- which shall be unshipped before due en- shipped before entry. try, (except where such unshipment is authorised) and warrant granted for unshipping the same;

(2) Goods unladen except at some place Goods unladen at at which an officer is appointed to attend wrong place. the unloading of the same, or at some place for which a permit shall be granted by the comptroller for the unloading thereof;

(3.) Goods prohibited from being imported; Prohibited goods.

(4.) Goods which shall be removed from Goods removed any ship, quay, wharf, or other place previ- before due examina- ously to the examination thereof by the tion. proper officer;

(5.) Goods, which having been entered to Goods entered for be warehoused shall not be duly carried into warehousing and not and deposited in the warehouse contrary to duly warehoused. the provisions of any regulations that may be made for the warehousing of goods;

(6.) Goods which having been warehoused, Warehoused goods shall be taken out of the warehouse without improperly taken out. due entry and clearance;

(7) Goods, which having been entered and cleared from the warehouse, for exportation

Goods improperly dealt with after clearance from a warehouse. or for shipment as stores shall not duly be carried and shipped, or shall afterwards be reloaded except with the permission of the proper officer;

Goods prohibited to be exported put on board any ship &c. (8.) Goods prohibited to be exported, which shall be put on board any ship or boat with intent to be laden or shipped for exportation, or shall be brought to any quay, wharf, or other place in the colony in order to be put on board any ship for the purpose of being exported;

Or found in any packages. (9.) Goods prohibited to be exported, which shall be found in any package produced to any officer of customs as containing goods not so prohibited;

Goods subject to any duty &c. found concealed in any ship &c. (10.) Goods subject to any duty or restriction in respect of importation, or which are prohibited to be imported, which shall be found or discovered to have been concealed in any manner on board any ship or boat within the limits of any port or within a league from the shore;

Goods duty free for certain purposes otherwise used. (11.) Goods which, being exempt from duty when applied to a certain specified purpose are applied to any other than such specified purpose.

Ships Carts &c. used in removing goods liable to forfeiture to be forfeited. 124. All ships, lighters, boats, carts, carriages, and vehicles of carriage, used in the unloading, removal, landing, carriage, or conveyance of any goods liable to forfeiture under this or any other Act of this island relating to trade or navigation, and all tackling or furniture thereof or belonging thereto respectively and all cattle and harness used therewith respectively shall be liable to be forfeited.

125. If any ship shall be found within the

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limits of any port or within a league of the coast of this colony with a cargo on board and such ship is afterwards found light or in ballast, and the master thereof shall be unable to give a due account and produce satisfactory proof of the lawful discharge of her cargo, such ship shall be liable to forfeiture.

126. If any ship or boat is found or discovered to be or to have been within any port or bay of this colony, or within a league of the coast thereof having false bulk heads, false bows, double sides or bottom, or any secret or disguised place, adapted for concealing goods, or any device adapted for removing goods, or to have had any part of the lading thrown over board, or to have had any goods on board thereof staved or destroyed to prevent seizure, every such ship or boat shall be liable to be forfeited.

127. (1.) If any ship belonging in whole or in part to Her Majesty's subjects, or having one half or any greater proportion of the persons on board subjects of her Majesty, shall not bring to upon signal made by any ship or boat in Her Majesty's service, or in the service of this colony, by hoisting the proper ensign whereupon the chase shall be given, and any person on board such ship, during such chase, or before such ship brings to, shall throw over board any part of her lading or to prevent seizure, such ship shall be liable to be forfeited.

(2) Every person escaping from any such ship shall be deemed to be a subject of Her Majesty, unless and until the contrary is proved.

Ship with cargo afloat and afterwards found light liable to forfeiture.

Ship having facilities for concealment or found under suspicious circumstances liable to forfeiture.

Ships under chase not bringing to &c. liable to forfeiture.

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Seizure and sale of forfeited things.

By whom seizure of things liable to forfeiture may be made.

128. (1). All goods and things whatsoever liable to seizure or forfeiture, or declared to be forfeited under this or any other Act of this island relating to trade and navigation shall and may be seized and secured by any officer of the navy or customs, by any officer of inland revenue, by any police constable, or by any person authorised by any officer of the custom to make such seizure.

No seizure invalidated by things not seizable being also taken.

(2.) No seizure shall be deemed invalid if goods and things not liable to seizure are seized at the same time with goods or things which are so liable; and no action shall be brought in respect of any seizure of goods not liable to seizure if such last mentioned goods are restored without unreasonable delay.

Seizures to be notified in Gazette.

129. (1) The seizure of all things seized under this Act, or any other Act of this island relating to trade and navigation shall be notified in the Official Gazette by the comptroller, without delay, and after the expiration of fourteen days from the publication of such notice, such things shall be sold if a price equal to the duty payable on such goods can be obtained, and if not such goods shall be dealt with as the Governor-in-Executive Committee may direct. Any person claiming anything seized under this Act

Claimant of goods seized to give notice to Comptroller &c.

or any other Act of this island relating to trade and navigation, shall give notice in writing to the comptroller of such claim within ten days after the publication of such notice, and shall within seven days after the giving of such notice duly institute, and

without delay prosecute the proceedings to obtain restitution of the things claimed.

(2.) In default of such notice by the claimant and the institution of such proceeding by him within the respective times as aforesaid, or if such proceedings when instituted are discontinued, or the claimant neglects to prosecute them with due diligence, or judgment is given against the claimant therein, the things seized shall be sold and no action lie in respect of such sale.

130. On any inquiry or other proceeding in relation to any seizure, the proof of the illegality of such seizure and of the circumstances, if any, alleged to exempt the things seized from forfeiture, shall be on the claimant of the things seized.

131. The Governor-in-Executive Committee, in their discretion, may direct a stay of any proceedings for any sale, or for the recovery of any penalty or forfeiture incurred under this Act, or any other Act of the island relating to trade or navigation, and also may order the restitution of the whole or any part of any things seized;—and may also, after sale thereof, in cases not previously heard before a court and adjudged, order the whole or any part of the net proceeds of such sale to be paid to any person who may appear to be entitled thereto.

132. When an action shall be brought in the assistant court of appeal, or in the court of common pleas for the recovery of anything seized under this or any other Act of this island relating to trade or navigation, the plaintiff shall furnish security to the satisfaction of the court to answer and pay

In default goods to be sold.

Onus of proof on any enquiry &c. relating to seizure.

Power of Governor in Executive Committee to stay proceedings &c.

Plaintiff in any action to recover things seized to give security.

the costs of such action, and in default of such security, the things seized shall be judged to be forfeited and condemned and shall be sold.

Things seized may be delivered upon security being given.

133. If ships, goods, or other things shall be seized as forfeited, under this or any other Act of this island relating to trade or navigation, and detained at the custom house, it shall be lawful for the chief judge of the court of common pleas, with the consent of the comptroller, to order the delivery thereof, on security by bond with two sufficient sureties to be first approved by the comptroller, to answer double the value of the same in case of condemnation; and in case such ships, goods or other things shall be condemned, the value thereof shall be paid into the hands of the treasurer, and thereupon such bond shall be cancelled.

Offences and penalties.

Person assisting to import prohibited goods &c.

Or assisting in unshipping &c. forfeitable goods.

Or having possession liable to pecuniary penalty and to imprisonment.

134. (1) Every person who shall assist or be concerned in the importation of goods prohibited to be imported, or goods the importation of which is restricted, contrary to such prohibition or restriction;
(2) who shall assist or be concerned in the unshipping, landing, removal or harbouring of goods liable to forfeiture under this or any other Act of this island relating to trade or navigation;
(3) or into whose hands or possession the same shall knowingly come;
shall for each such offence forfeit either treble the value of the goods including the

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duty thereon, or a penalty of not less than twenty nor more than one hundred pounds at the election of the comptroller; and may at the discretion of the magistrate be imprisoned for any period not exceeding twelve months with hard labour; and the averment in any complaint that the comptroller has elected for the said triple value, or the said penalty, as the case may be, shall be deemed sufficient proof of such election; and the offender may be arrested for any such offence with or without warrant, or without warrant. And may arrest
may be proceeded against by summons.

135. If any ship or boat liable to seizure under this or any other Act of the island relating to trade or navigation does not bring to when required so to do, the master of such ship or boat shall be guilty of an offence and being convicted thereof shall be liable to a penalty not exceeding one hundred pounds. Liability of master of ship liable to seizure and not bringing to when required.

136. If any such ship or boat is chased by any vessel or boat in Her Majesty's navy having the proper pendant or ensign hoisted or by any vessel or boat duly employed in the service of the colony it shall be lawful for the captain, master, or other person having the command or charge of such vessel or boat, first causing a gun to be fired as a signal, to fire at or into such boat; and such captain, master, or other person, and any person acting in his aid or by his direction shall be indemnified and discharged from any indictment, penalty, action, or other proceeding for so doing. Powers of person chasing any such ship to fire on the same.

137. If any person shall stave, break or in any way destroy any goods liable to seizure, he shall be liable to a penalty for destroying goods &c. liable to seizure.

ure either before or after the actual seizure thereof; or shall scuttle, sink, or cut adrift any vessel, or destroy or damage any vehicle liable to seizure thereof, such person shall forfeit the sum of one hundred pounds, and also the value (if the same be proved) of the articles thus damaged or destroyed.

Penalty on persons not assisting Customs officers when called on. 138. Every police constable, sworn constable or private person shall assist any officer of the customs in the execution of his duty when called upon to do so under a penalty of ten pounds.

PART X.

LEGAL PROCEDURE.

Writ of assistance.

Power of Customs Officers under writs of Assistance. 139. Under the authority of writs of assistance, granted by the chief judge of this island, (who is hereby authorised and required to grant such writs of assistance upon application made to him for that purpose by the comptroller), it shall be lawful for any customs officer or police constable, to enter any building or other place in the day time, and to search for and seize and secure any goods liable to forfeiture under this or any other Act of this Island relating to trade and navigation, and in case of necessity, to break open any doors, chests or other packages for that purpose; and such writs of assistance when issued, shall be deemed to be in force during the whole of the Sovereign's reign during which the same shall have been granted, and for twelve months from the conclusion of such reign.

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Limitations of actions.

140. All informations or complains for Proceedings to be the recovery of any fees, duties, penalties commenced within or forfeitures imposed by this or any other three years after the Act of this island relating to trade or navigation, may be commenced at any time within three years after they became due or after the offence committed by reason whereof such penalty or forfeiture shall be incurred.

Onus of proof.

141. If in any prosecution in respect of Onus of proof of pay-goods seized for non-payment of duties, or ment of duty &c. to any other cause of forfeiture, or for the recovery of any penalty, any dispute shall arise whether the duties of customs have been paid in respect of such goods, or whether the same have been lawfully unshipped, or concerning the place from whence such goods were brought, then and in every such case the proof thereof shall be on the defendant in such prosecution.

Recovery and disposal of penalties.

142 All offences may be prosecuted and On whose complaint, all fees, dues duties and penalties may be recovered in a summary manner before a police magistrate on the complaint of any officer of the customs, and in default of payment of the fees, dues, duty or penalty within the time prescribed by the magistrates the offender shall be imprisoned for any time not exceeding twelve months with hard

labour, unless such dues, duty, penalty, or costs are sooner paid.

Disposal of penalties, dues &c. when recovered by prosecution. 143. All fees, dues, and duties recovered on complaint shall be paid into the treasury to the credit of the general revenue; all penalties and the proceeds of sale of all things forfeited and sold under the provisions of this Act or any other Act relating to trade and navigation, shall be distributed one third to the informer, not being either of the persons authorised to prosecute a complaint under this Act, one third to the complainant, and one third into the treasury to the credit of the general revenue. If the name of the informer is not disclosed and it is deemed expedient that it should not be disclosed, the comptroller on stating in writing that there is an informer who does not desire his name to be mentioned shall be entitled to receive the third payable to such informer and his receipt shall be a sufficient discharge.

Informers to be acquitted.

One offender informing against his co-offender to be discharged from all punishment. 144. On the commission of any offence against this Act any offender not being the principal offender who before any information is lodged against him in respect of the offence first discovers and informs against any other participator in that offence shall, on the conviction of the person against whom the information is given, be discharged and acquitted from all punishment, penalties or disqualification to which at the time of giving the information he may be liable by reason of the offence committed by him, and of which he has been the informer.

Informers may be rewarded.

145. When on the conviction of any person for an offence against this Act the pecuniary penalty imposed is not paid, or the person incurring the penalty is sent to prison in default of payment, or in case goods seized and forfeited under this or any other Act relating to trade cannot be sold, the Governor-in-Executive Committee may upon the representation of the comptroller of customs cause such rewards as he may think fit, not exceeding in each case ten pounds, to be paid in such shares and proportions to the persons who may appear to him entitled thereto as informers.

Proceedings and copies thereof free of cost.

146. All proceedings shall be taken free of expense to any complainant, and in any complaint shall be dismissed the magistrate shall not impose costs on the complainant except he be of opinion that the complaint was vexatious or brought without reasonable cause.

147 The copies of all proceedings and minutes of evidence required for the purpose of prosecuting any appeal shall be furnished free of cost, to any of the persons hereinbefore mentioned, who are authorised to prosecute a complaint under this Act, provided always that if a penalty is imposed and recovered the clerk of the court who supplies such copies shall be entitled to receive out of the portion of the penalty paid into the treasury to the credit of the general revenue,

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a sum not exceeding eight shillings and fourpence.

Appeal.

Offender appealing against conviction to be detained in custody unless he enters into recognizance.

148. If any person shall appeal to the assistant court of appeal or from that court to the court of error against the conviction for any offence committed by him against the provisions of this or any Act amending this Act, such person shall be detained in custody until the hearing or withdrawal of the appeal unless he shall enter into a recognizance in the form numbered 16, in schedule A to this Act before the court against whose decision or judgment the appeal is made, with or without a sufficient surety or sureties as the said court may determine, conditioned to appear and try such appeal and to abide the judgment of such court thereon, and to pay such costs as may be awarded by such court; or the appellant may, if the court from whose decision or judgment he appeals thinks it expedient, instead of entering into a recognizance give such other security by a deposit of money with the clerk of the court as that court may deem sufficient; provided always that such recognizance be entered into or such security be given within the period limited by law for making such appeal.

Proceedings on such recognizance.

149. Any sum which may become due in pursuance of any recognizance or deposit given or made under the provisions of the last preceding section shall be recovered in a summary manner before a police magistrate on complaint of the clerk of the court directing such recognizance or deposit to be given

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or made, and shall be paid into the public treasury to the credit of the general revenue.

150. The execution of any sentence restoring any ship, boat, goods or other things to the claimant thereof shall not be suspended by reason of an appeal therefrom if the claimant shall give sufficient security, to be approved of by the court, to render and deliver the ship, boat, goods, or other things or the full value thereof, to be ascertained either by agreement between the parties or by appraisalment under the authority of the court, to the appellant, in case the sentence be reversed and the ship, boat goods, or other things be ultimately condemned.

Appeal not to stay execution of sentence restoring things seized if sufficient security given.

Actions against officers, &c.

151. No writ shall be sued out against, nor any process served upon, any person for anything done in pursuance of the provisions of this or any other Act relating to trade or navigation, until one month after notice in writing shall have been delivered to him, or left at his usual place of abode, by the attorney or the agent of the party who intends to sue out such writ or process; in which notice shall be clearly and explicitly contained the cause of the action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent; and no evidence of any other cause of such action shall be received at the trial except such as shall be contained in such notice and no verdict or judgment shall be given

No proceeding to be taken against officers &c. until after a months notice.
And evidence to be limited to subject of the notice.

for the plaintiff unless he shall prove at the trial that such notice was given, and in default of such proof, the defendant shall recover in such action a verdict or judgment and costs.

Officer &c. may tender amends within one month after notice.

152. It shall be lawful for any such officer or person against whom any such action shall be brought on account of anything done under the authority of this or any other such Act as aforesaid, within one month after such notice, to tender amends to the party complaining or his agent, and to plead such tender in bar of any action together with other pleas, and if the court or jury (as the case may be) shall find the amends sufficient they shall give a verdict for the defendant: and in such case, or in case the plaintiff shall become non-suit, or shall discontinue his action, judgment shall be given for the defendant.

Action against officers &c. to be brought within 3 months after cause arises.

153. Every such action shall be brought within three months after the cause thereof, and the defendant may plead the general issue, and give the special matter in evidence and if the plaintiff shall become non-suit, or shall discontinue the action, or if upon a verdict, on demurrer, or otherwise, judgment shall be given against the plaintiff, the defendant shall recover treble costs, and have such remedy for the same as any defendant can have in other cases where costs are given by law.

Only 1/. damages to be given if court certifies officer had reasonable and probable cause for his action.

154. In any such action, if the judge or court before whom such action shall be tried, shall certify upon the record that the defendant in such action acted upon reasonable and probable cause, then the plaintiff in such

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action shall not be entitled to more than one shilling damages, nor to any costs of suit.

155. In case any information or suit shall be brought to trial or determined on account of any seizure made under this or any other Act relating to trade or navigation, and a verdict shall be found or judgment given to the claimant thereof, and the judge or court before whom the cause shall have been tried or brought, shall certify on the record that there was reasonable and probable cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment, or other suit or prosecution on account of such seizure, and if any action, indictment or other suit or prosecution shall be brought to trial against any person on account of such seizure, wherein a verdict or judgment shall be given against the defendant, the plaintiff, or prosecutor, if reasonable and probable cause be certified as aforesaid on the record, shall not be entitled besides the thing seized, or the value thereof, to more than twopence damages, nor to any costs, nor shall the defendant in such prosecution in any such case be fined more than one shilling.

PART XI.

MISCELLANEOUS.

Comptroller's duties.

156. It shall be the duty of the comptroller to exercise active supervision of the duties.

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indoor and outdoor branches of the customs department, and to ensure the efficient discharge by the several customs officers of the duties required of them by this Act.

Quarterly returns.

Comptroller to prepare quarterly returns of import duties and tonnage duties collected.

157. The comptroller shall cause quarterly returns to be laid before the legislature of the duties collected on all goods imported into this island with the description and quantity of such goods, and the value of such as are subject to the *advalorem* duty and quarterly returns of the aggregate amount of all sums of money payable for duties on tonnage under the warrants signed by him and returned with the treasurer's receipt distinguishing the aggregate amount paid for tonnage, from the aggregate amount paid for duties on goods.

In case of dispute as to amount or legality of fees &c. demanded fees &c. to be paid and dispute then referred to Governor in Executive Committee.

158. If any dispute shall arise as to the proper amount of money payable in respect of duty on goods imported, tonnage dues, harbour police or carenage fees, or in respect of any fee or sum of money payable under the provisions of the Acts of this island relating to trade and navigation, the person from whom such duty, dues, fees or sums of money is demanded shall pay it, but may within one month after such payment refer the question in dispute to the Governor-in-Executive Committee who shall have power to determine such question, and by order of the treasurer refund to such person any amount that may have been paid in excess of what should have been paid.

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Resisting officers of customs.

159. (1.) If any person shall assault, resist, oppose, molest, hinder, or obstruct any officer of the customs, navy, inland revenue or police, or any other person employed as aforesaid in the exercise of his office or any person acting in his aid or assistance, when any such officer or person is engaged in carrying out any of the provisions of this or any other Act relating to trade or navigation, every such person shall be guilty of an offence, and being convicted thereof shall be liable to be imprisoned for any term not exceeding twelve months, or to a penalty not exceeding one hundred pounds.

Person assaulting &c.
Customs officers &c.
liable to imprisonment.

(2.) If any person shall use abusive or insulting language to a custom house officer while in the execution of his duty he shall be liable on conviction to a penalty not exceeding five pounds.

Person insulting an
officer liable to a
pecuniary penalty.

Offences of counterfeiting, &c.

160. If any person shall counterfeit or falsify or wilfully use when counterfeited or falsified, any entry, warrant, cocket transfer, transire, treasurer's receipt, or other documents for the unlading, lading, entering, reporting, or clearing of any ship or for the landing, shipping, or removing of any goods, stores, baggage, or articles whatsoever; or shall by any false statement, procure any writing or document to be made for any such purpose or falsely make any oath, affirmation, or declaration required by this Act or any other

Penalty for counter-
feiting or falsifying
documents used for
customs purposes &c.

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Act relating to trade and navigation; or shall forge or counterfeit a certificate of such oath, affirmation or declaration, or shall publish such certificate knowing the same to be so forged or counterfeited or if any person required to answer any proper question put to him by any officer of the customs under the authority of this or any other such Act shall not truly answer such question or shall in passing warrants personally or by an agent produce a false or fraudulent invoice to any officer of the customs; every such person shall on being found guilty thereof, over and above any other penalty or punishment to which he may become subject, forfeit and pay a penalty not exceeding the sum of two hundred pounds.

Collusive seizure.

Penalty for misconduct by any custom's officer &c. in making a collusive seizure taking a bribe &c.

161. If any officer of the customs or any police officer, or other person duly employed for the prevention of smuggling, shall make any collusive seizure, or deliver up, or make any agreement to deliver up, or not to seize any ship, boats or goods liable to forfeiture under this or any other Act of this island relating to trade or navigation or shall take any bribe, gratuity, recompense or reward for the neglect or non-performance of his duty, every such officer or other person shall on being found guilty thereof forfeit for every such offence a sum not exceeding five hundred pounds and shall be for ever incapable of holding any situation in the public service of this island, and every

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person who shall give or offer or promise to give or procure to be given any bribe, recompense, or reward to, or shall make any collusive agreement with any such officer or person as aforesaid, to induce him to neglect his duty or to do, conceal, or connive at anything, whereby the provisions of this or any such other Act may be evaded, shall on being found guilty thereof forfeit a sum not exceeding two hundred pounds. Penalty on other persons concerned.

Comptroller may examine on oath, etc.

162. When the comptroller shall have reasonable grounds to suspect that any goods subject to the duties imposed by this Act have been fraudulently or illegally imported it shall be lawful for the said comptroller to call before him any person whomsoever, and examine such person upon oath touching or concerning the importation into this island of any such goods in order to the discovery of any frauds or illegal proceedings in reference thereto; and in case of the wilful neglect or refusal of any person to appear before the said comptroller, after service of a sufficient summons under his hand, or in case such person after appearing shall refuse to answer such lawful questions as shall tend to the discovery of any such illegal practices, it shall be lawful for the said comptroller to commit such person to any prison in this Island there to remain without bail, until he shall conform to the provisions of this section; provided that no person shall be kept in prison for a longer time than three months under the provisions of this section. Comptroller empowered to call before him and examine on oath any person respecting goods suspected of having been illegally imported.

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Incidental expenses.

Warehouse rent and incidental charges to be paid quarterly. 163. The rent of warehouses and incidental charges and charges of the customs department, to be allowed by the Governor-in-Executive Committee, shall be paid from the public treasury, on the warrant of the Governor-in-Executive Committee; and in order

Small incidental expenses weekly.

to provide for the prompt payment of the hire of a porter, and such like incidental expenses, the Governor-in-Executive Committee is hereby authorised, on the requisition of the comptroller to issue from time to time warrants to the treasurer of the island, requiring him to pay the same weekly or otherwise, on the certificate of the comptroller.

Registrar and admeasurer of shipping.

Fees of Registrar and Admeasurer of shipping.

164. The fees specified in the table numbered seventeen in schedule A to this Act annexed shall be payable upon all duties performed at the port of Bridgetown, under the second part of The Imperial Merchant Shipping Act, 1854, and the person appointed to act as registrar and admeasurer of shipping for the said port, or his lawful deputy, may refuse to proceed to the performance of any such duty, unless the fee payable thereon be first paid.

Measuring Surveyor of tonnage for this Island appointment and fees.

165. Whenever a vacancy may occur from death, resignation, or misconduct, the Governor shall appoint a fit and proper person to be measuring surveyor of tonnage for this island, who shall be paid by fees at the same rate as paid by British ships for original

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registration, in accordance with the provisions of the last preceding section for the services performed under this Act, from the public treasury, by warrant of the Governor-in-Executive Committee.

Chemists and druggists.

166. Chemists, druggists, and registered medical practitioners dispensing their own prescriptions shall be allowed to import a limited quantity of spirits as hereinafter mentioned, of any degree of strength to be used by them exclusively in their trade in the preparation of medicines, at a duty of one shilling and sixpence per gallon, such spirits to be kept in no other places than their business premises, and to be accounted for to the satisfaction of the comptroller. The quantities so to be imported shall be fixed by the Governor-in-Executive Committee, who shall either restrict or extend such quantities so to be imported whenever it shall seem necessary to him to do so. Any chemist or druggist who shall keep or have any such spirits in any other place than his business premises, or who shall use or apply, or suffer to be used or applied, any such spirits for any purpose whatever other than the *bona fide* preparation of medicines in the due course of his trade, shall be guilty of an offence, and be liable on conviction to a penalty of not more than twenty pounds, or less than five pounds.

Extra services of officers.

167. Officers of the customs whose ser-

Remuneration to officers for extra services rendered to private persons.

VICES may be required beyond the hours of general attendance shall be remunerated by the party requiring the same according to a rate to be fixed by the Governor-in-Executive Committee.

Remuneration to officers for extra services required in the interest of the public.

168. Whenever, in the interest of the public, the services of any officer of customs may be required by the comptroller out of prescribed hours of attendance, the comptroller is hereby authorised and empowered to remunerate such officer for the extra services required of him at a rate to be fixed by the Governor-in-Executive Committee, such remuneration to be included in the incidental expenses of the customs department, and to be sanctioned by the Governor-in-Executive Committee

Rules and regulations

Governor in Executive Committee empowered to make rules and regulations

169. The Governor-in-Executive Committee may make, alter, or revoke rules and regulations concerning all or any of the following matters ;

(1.) Any of the matters or things contained in this Act, or any other Act of this Island relating to trade or navigation; and in particular concerning the importation, warehousing and exportation of goods.

(2.) The entry, stay, and station of any ship into and in the harbour of the mole head, and the fees payable by any ship which loads or unloads within the said harbour.

(3.) The examination, registration, and licensing of pilots.

(4.) The storing of ballast and ballasting of ships.

X.X.

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(5) The fees and charges to be exacted and made in respect of any of the foregoing matters.

Such rules and regulations shall be laid before the legislature, and shall when they have received the sanction of both branches of the legislature, and the assent of the Governor, be legally binding on all persons.

170. It shall be lawful for the Governor-Executive Committee to make rules for the payment of gratuities to the masters of ships, not being government ships or ships under contract with any government for the conveyance of mails between this island and any other port or place; provided always that such gratuities shall not exceed one penny for every letter and one farthing for every other mail article so conveyed.

which are to receive the sanction of the Legislature.

Governor in Executive Committee to make rules for payment of gratuities for ship letters &c.

171. Whosoever shall infringe any of the rules and regulations made in pursuance of the provisions of section one hundred and sixty nine shall be liable to a penalty not exceeding one hundred pounds.

Penalty for breach of such rules &c.

General penalty section.

172. Every person violating any of the provisions of this Act for the violation of which no penalty is herein expressly provided, shall on conviction thereof be liable for every such offence to a penalty not exceeding twenty pounds.

Repeal.

173. The several Acts and Ordinances Enactments in set forth in schedule B to this Act annexed, schedule repealed.

Saving:

are hereby repealed to the extent to which such Acts and ordinances are by such schedule expressed to be repealed.—except as to anything done before the commencement of this Act, and except so far as relates to any arrears of duty or to any drawback which shall have become due or payable, and except so far as may be necessary for continuing or supporting any proceeding heretofore taken or to be taken after the commencement of this Act, and except as to the recovery or application of any penalty for any offence which shall have been committed, or any forfeiture which shall have been incurred before the commencement of this Act, and all bonds taken or licenses granted, and all things done under the authority or in pursuance of the Acts hereby repealed shall nevertheless be valid and effectual; and all warrants, licenses, orders and regulations made by the Governor or by the Governor-in-Executive Committee or by the comptroller shall remain in force until altered or revoked, or others are made in lieu thereof; and all acts done in pursuance of any such orders and regulations shall be valid; and all bonding places and warehouses appointed under any of the Acts repealed shall continue until the appointment thereof shall be annulled or altered.

SCHEDULE A.

No. 1.

(Sec. 13)

REPORT ON ENTRY.

If sailing ship or steamer.		Official number.	
Ship's Name.	Tonnage.	British or Foreign : if British Port of Registry : if Foreign, Country to which she belongs.	Port or place from whence arrived.

C A R G O .

Names of places where laden.	Marks.	Nos.	Packages and description of goods.	Goods, if any to be transhipped or to remain on board for exportation.		Name of consignee.	Ship stores remaining on board.

I declare that the above is a just report of my ship and of her lading, and that the particulars therein inserted are true to the best of my knowledge ; and that I have not broken bulk, or delivered any goods out of my said ship since her departure from

Signed and declared this day of 18 in the presence of *Master.*

Comptroller.

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Schedule A.

No. 2,

(Section 14)

BARBADOS.

Know all men by these presents that we

the master or commander of
 burthen tons
 and of the island abovesaid
stand bound to Her Most Gracious Majesty
Queen Victoria, her Heirs and Successors,
in the following sums, that is to say the said
 in the sum of fifty pounds,
and the said in the sum of fifty
pounds, upon condition following:

Dated this day of 18

Sealed with our Seals

The condition of this obligation is such that he the said master or commander shall not depart from this island with his vessel without having previously cleared out his said vessel at the custom house of the port of Bridgetown, at the office of the treasurer and also at the office of the harbour master of this island. Then the obligation to be void or else remain in full force or virtue.

Witness.

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Schedule A.

No. 3.

(Sec. 15)

BARBADOS.

Know all men by these presents that we

of the master or commander
 from burthen tons
 and of the island
abovesaid, stand bound to Her Most Gracious
Majesty Queen Victoria, her Heirs and Suc-
cessors in the following sums, that is to say,
the said in the sum of
fifty pounds, and the said
in the sum of fifty pounds, upon condition
following :

Dated this day of 18

Sealed with our Seals

The condition of this obligation is such
that the said master or other the master or
commander for the time being shall not
at any time or on any occasion on or
before the expiration of one year from the
date hereof depart from this island with
his vessel without having previously cleared
his said vessel, at the custom house of the
Port of Bridgetown at the office of the trea-
surer, and also at the office of the harbour
master of this island. Then this obligation
to be void or else to remain in full force and
virtue.

Witness :

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SCHEDULE A.

No. 4.

(Secs. 22 30 & 43.)

HARBOUR MASTER'S CERTIFICATE.

No. No. Bridgetown 18 .

I do hereby certify that
Date master of the tons per register
has duly cleared at this office, etc.
paid all fees, dues, and demands,
according to the Act.

Master Vic Cap.
day's groundage or harbour dues,
at per ton.

Vessel day's loading and unloading at per
ton
days careenage, at per ton.

No. tons harbour master's fees.

Sum paid to Treasurer.

Harbour Master.

SCHEDULE A.

No. 5

(Sec. 27.)

CLEARANCE.

BARBADOS.

These are to certify all whom it doth concern that _____
 master of the _____ barthen _____ tons mounted with _____ guns,
 navigated with _____ men, _____ built, and bound for _____
 having on board _____

hath entered and cleared his said vessel according to law

Given under my hand at the custom house at the port of Bridgetown
 in the island of Barbados, this _____ day of _____
 18 _____

11 c.

Comptroller.

SCHEDULE A.
No. 6.

(Sec. 28.)

DECLARATION BEFORE CLEARANCE.

IN SAILING SHIP OR STEAMER.

Ship's name and destination	Tonnage.	British or Foreign; if British, Number Port of Registry; if Foreign, of Country to which she belongs.			Name of Master.	Number of Passengers.	If in Ballast only.
C A R G O .							
Quantity and Description of Goods.				Shippers.		Number of Export Warrant.	

I, **master** of the ship above-named, do declare that the particulars set forth above are correctly stated, and that the content above written is a correct account of the goods laden on board my Ship for the present voyage.

Signed and declared the day of
in the presence of

18 . }
Comptroller.

Master.

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SCHEDULE A.

No. 7.

(Sec. 42.)

*Tonnage duties to be charged on steamers
bringing a regular mail, or on other
ships landing or loading cargo.*

On the weight and measurement of goods
landed and shipped as per bill of lading & ton

When not described, to be computed as
follows:

10 barrels salted meat, flour, or other goods per bbl not exceeding 200lbs. net weight.	}	Each item equal to 1 ton.
40 bushels corn, peas or other grain unground.		
4,000 shingles		
20 cubic feet hardwood		
1,200 pieces wood hoops		
1 horse, mule, or horned cattle		
2 asses		
6 pigs or sheep		
4 hhds. spirits, wine, or malt liquor in bulk, not exceeding 65 gallons measurement		
1,000 feet white pine, spruce, pitch pine or other lumber, equal to $1\frac{1}{2}$ tons		
1,200 hhd. or pun. staves	"	$1\frac{1}{2}$ "
1,200 bricks or tiles	"	8 "
1 hhd sugar	"	1 "
2 tcs. do.	"	1 "
8 brls or 10 bags do.	"	1 "
2 puns. molasses	"	1 "

SCHEDULE A.

No. 8.

(Sec. 56.)

BILL OF ENTRY.

BARBADOS.

In the Ship
from

Importer's name

QUANTITY AND DESCRIPTION OF GOODS. DUTY.

INWARDS.

Received on the _____ day of _____ 18 the sum of _____ pounds.

Treasurer.

Received

Comptroller.

SCHEDULE A.

No 10.

(Sec 92.)

MASTERS MANIFEST OF RUM RECEIVED ON SHIPBOARD.

PORT OF BRIDGETOWN, BARBADOS.

An Account of all rum, the produce of this Island, received on board of the ship now riding at anchor in and bound for

Shipping Marks & numbers.	Number of Casks.	Number of Gallons	Proof	By whom Shipped	No. of Registered Still	Where Situated.	In what Parish	In District	Date of Shipment
Totals...									

I, Master of the ship, about to sail from this port for do solemnly declare that the foregoing quantity of rum, made in this island, amounting in full to casks, containing to the best of my knowledge, and belief gallons, proof, is actually and bona fide on board of the ship whereof I am master, for exportation, and that I will not land or deliver, or suffer to be landed or be delivered out of the ship, such rum, or any part thereof, in any part of this Island, without permission first obtained from the Treasurer and the Comptroller of Customs. (Signed) Master of the Ship, Treasurer.

Declared to before me this 18 . Signed

1891. c. 71.

SCHEDULE A.

No. 11.

(Sec. 100)

TREASURER'S CERTIFICATE TO THE COMPTROLLER OF CUSTOMS

That the master of a ship having rum on board, the produce of this Island, and about to sail, has delivered to him a manifest thereof.

No. Colonial Treasury, 189

I hereby certify that
Master of the ship about
to sail for has delivered
to me a manifest containing a full account
of all rum on board of the said ship, the
produce of this island, and that the same is
in correspondence with the outward entries
of such rum passed for export by such
ship at this office.

(Signed)

Treasurer

To the Comptroller of Customs.

1891. C. 71.

SCHEDULE A
No. 12
(Sec. 103)
BILL OF ENTRY.

OUTWARDS

BARBADOS, _____

Ship _____

Bound to _____

Exporter _____

QUANTITY AND DESCRIPTION OF GOODS.

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SCHEDULE A.

No. 13

(Sec. 115)

DECLARATION RE BILGEWATER.

I. J. K. (name), master in charge of the—
(insert ship's name)—of (insert port of registry)—now loading produce in—(here state the port or bay), and bound for (insert port of destination) do hereby solemnly declare that the bilgewater received from on board my ship by O. D.—(here state name) in charge of the lighter (or boat as the case may be, and, if practicable, here state her name and number) is the natural and regular leakage of the produce laden on board, in combination with the drainage of the ship, and that no improper or unfair means of any kind whatever have been resorted to to increase the said leakage, to the best of my belief and knowledge.

J. K.—(signature of Master of the .)

Barbados, 18

To all whom it may concern.

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SCHEDULE A.

No. 14

(Sec. 116.)

Inwards	Barbados,	18
In the	from	Master for

(Consignee's name.)

Puncheons (or other packages as the case
may be) containing (here
state the probable number of gallons, and
where practicable the density of the bilge
water) at five shillings per pun-
cheon pounds. To be brought
to the wharf by the (here
insert the name of the boat, drogher or other
ship) in charge of such
ship owned by

No. Duplicate

(Signed)

Treasurer.

To the Harbour Master.

M.M.

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SCHEDULE A.

No. 15.
(Sec. 116.)

Customs, Barbados, 18

This is to certify that pun-
cheons (or other packages) of bilge water
landed by virtue of inward entry No.
dated 18 are correct as
described in such entry, *have been tested
by me, and are of the following degrees of
density by Beaumé's Saccharometer.

No. degrees.

No. degrees.

(Signed)

Colonial Revenue (or other }
Customs) Officer. }

To the Treasurer

1891. C. 71.

SCHEDULE A.

No. 16.

(Sec. 148.)

RECOGNIZANCE.

*Complainant or Appellant }
Defendant or Respondent. }*

WHEREAS the undersigned principal party to this recognizance hereby binds himself to perform the following obligation, namely:

And the said principal party together with the undersigned sureties hereby severally acknowledge themselves to forfeit to the crown the sums following—that is to say, the said principal party the sum of pounds and the said sureties the sum of pounds each in case the said principal party fails to perform the above obligation.

Dated this day of 18

Signed	A.	B.	Principal party.	
	C.	D.		} Sureties.
	E.	F.		

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SCHEDULE A.

No. 17.

(Sec, 164.)

TABLE OF FEES FOR REGISTRARS OF SHIPPING.

	S.	D.
For registering a ship and granting a certificate of registry...	5	0
For each form of bill of sale or mortgage issued	1	0
For each form of Declaration issued... ..	0	6
For endorsing the names of owners upon certificates of registry on change of owners...	2	0
For ditto, on change of masters...	2	0
For each entry on the registry book relating to transfer by bill of sale... ..	1	0
For ditto. relating to mortgage...	2	0
For transmitting particulars on application to transfer registry to another port... ..	2	0
For granting a certificate of mortgage of sale... ..	5	0
For sales or mortgage made before registrar under certificates of sale or mortgage each	2	6
For each certified copy of documents under section one hundred and six	1	0
For inspection of the registry book	1	0
FOR MEASURING SURVEYORS.		
Measuring of tonnage for each—measured or transverse section	7	6
Certificate of survey of identity when measurement of tonnage is not required... ..	10	0

SCHEDULE B.

Date of Act or Ordinance.	Title of Act or Ordinance.	Extent of repeal.
16 November, 1835.	An ordinance to prevent seamen being left on shore	The whole Ordinance
28 June, 1859.	An Act to consolidate and amend the Acts of this island relating to trade and navigation.	
5 June, 1890.	An Act to amend "The Trade Act, 1889."	
		The whole Act.
		The whole Act.

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BARBADOS.

An Act for further promoting the revision of the statute law.

BE it enacted by the Governor, Council, and Assembly of this island, and by the authority of the same as follows:—

Short title.

1. This Act may be cited as “The Statute Law Revision Act (No. II), 1891.”

2. The Act of the 19th March 1667 entitled “An Act to prevent all forcible and clandestine entries into any lands or tenements within this Island” shall be amended in the manner following.

(1) The first part of the said Act to and inclusive of the words “and by the authority of the same that henceforward” in line 35 shall be omitted, and the following words shall be substituted therefor, that is to say;—

Be it enacted by the Governor, Council and Assembly of this island, and by the authority of the same as follows:—

(2.) The words “presume to” occurring in lines 36 and 38 of the said Act shall be omitted, and the word “shall” shall be substituted therefor respectively; the words “to the King’s Majesty” occurring in line 43 of the said Act shall be omitted, and the words “to the Crown” shall be substituted therefor; the words “the next two justices of the peace or one of them are” occurring,

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in line 49 of the said Act shall be omitted and the words "the police magistrate of the district is" shall be substituted therefor; the words "the common gaol of this Island" occurring in line 55, shall be omitted, and the word "prison" shall be substituted therefor; the words "and in case of resistance by strong hand or force against the said justice or justices executing herein by any party possessed or entered as aforesaid, and contrary to this Act the said justice or justices are hereby authorised and required to raise the power of the county and proceed against all the offenders as rioters or rebels" occurring in the said Act shall be omitted, and the words "And for the purpose of removing such entry and possession the police magistrate is hereby authorised and required to issue a warrant under his hand directed to any one or more police officer or officers commanding them within a period to be therein named to enter (by force if needful) into the premises and give possession of the same to the complainant, provided always that entry upon any such warrant shall not be made on a Sunday, Good Friday or Christmas Day, or any time except between the hours of eight in the morning, and five in the afternoon." The words "justice of the Peace" in line 66 shall be omitted, and the words "police magistrate" shall be substituted therefor. The words "in any the courts of common pleas within this island" in lines 68 and 69 shall be omitted, and the words "by action of debt" shall be substituted therefor. The words "nor anything therein con-

"tained" in line 72 shall be omitted, and the word "not" shall be inserted after the word "shall" in line 73.

3. The Act of the 9th June 1713 entitled called the Three Houses Spring in the "parish of St. Philip's" shall be amended in the manner following :

(1.) The first part of the said Act to and inclusive of the words "by the authority of the same that" shall be omitted, and the following words shall be substituted, that is to say "Be it enacted by the Governor, Council, and Assembly of this island, and by the authority of the same as follows":—

(2.) The words "the said adjacent inhabitants" occurring in lines one and two of the first section of the said Act shall be omitted, and the words "of the adjacent inhabitants" shall be substituted therefor; the words "the said rivulet" occurring in line 3 of the said section shall be omitted, and the words "the rivulet known as Three Houses Spring in the parish of Saint Philip" shall be substituted therefor; the words "the said water" occurring in line 4 of the said section shall be omitted, and the words "the water thereof" shall be substituted therefor; the words "the Surveyors" occurring in line 11 of the said section shall be omitted, and the words "the Commissioners of highways" shall be substituted therefor; the words "and it is hereby further provided that it is the intent and meaning of this Act that" occurring in lines 15 and 16 of the said section shall be omitted; the words "that any two justices of the peace of the said parish shall and

are" occurring in lines 24 and 25 of the said section shall be omitted, and the words "the police magistrate of the parish shall and is" shall be substituted therefor; the words "the sworn surveyors" occurring in line 27 of the said section shall be omitted, and the words "the commissioners" shall be substituted therefor; the word "surveyors" occurring in lines 30 and 37 respectively of the said section shall be omitted, and the word "Commissioners" shall be in each case substituted therefor; the word "that" occurring in line 35 of the said section before the words "it shall and may be lawful" shall be omitted; and the words "justices and surveyors" occurring in line 39 and in lines 44 and 45 respectively of the said section shall be omitted, and the words "police magistrate and commissioners" shall in each case be substituted therefor.

(3.) The words "And it is hereby further enacted that" occurring in line 1 of section two of the said Act shall be omitted; the word "justices" occurring in line 2 of the said section shall be omitted, and the words "police magistrate" shall be substituted therefor; the words "unto them" in line 7 shall be omitted; the words "justices to and with the surveyors" occurring in line 8 of the said section shall be omitted, and the words "police magistrates and commissioners" shall be substituted therefor.

(4.) The words "and it is hereby further enacted by the authority aforesaid, that" occurring in line 1 of section 8 of the said Act shall be omitted; the words "justices

"that it shall and may be lawful for them
 "and they are hereby required and authorised to" occurring in lines 2 to 4 of the said section shall be omitted, and the words "police magistrate he shall" shall be substituted therefor; the word "surveyors" occurring in lines 4 and 7 of the said section shall be omitted, and the word "commissioners" shall respectively be substituted therefor; the word "justices" occurring in line 9 shall be omitted, and the words "police magistrate" shall be substituted therefor; the words "by them" occurring in line 10 of the said section shall be omitted; and the words "as in case of servants wages" occurring in line 11, and in lines 13 and 14 of the said section shall be omitted, and the words "in a summary manner before a police magistrate" shall respectively be substituted therefor.

(5) The first five lines of section 4 of the said Act to and inclusive of the words "for the time being" shall be omitted, and the words "the owner or possessor for the time being of the plantation, formerly the property of John Brathwaite, deceased, through which the said rivulet runs first," shall be substituted therefor.

(6) The following sections to be numbered 5, and 6 respectively, shall be added to the said Act, after section 4 thereof that is to say :—

It shall be the duty of and it is hereby made incumbent on the owner of the plantations or lands, through which the spring or rivulet may from time to time run to open cut, clear, mend, and keep clean and in order, so much of the channel of the said

rivulet or stream, as shall lie in his plantations or lands, and if any person so charged with keeping clean and in order the said rivulet or stream, shall fail or neglect to do so, the said commissioners of highways, or any two of them shall give notice to such person to open, cut, clear, mend, clean or put in order the same, and should any such person for seven days after such notice fail or neglect to do as required of them by such commissioners, the said commissioners shall be at liberty and they are hereby directed to appoint and send the inspector of highways with such persons as he may employ to put the said stream or rivulet in order, and the expenses incurred by the commissioners in opening, cutting clearing, mending, cleaning or putting in order the said stream or rivulet shall be charged to the person failing or neglecting to obey the orders of the said commissioners to be recovered on complaint of any one of such commissioners, before the police magistrate of the parish in a summary manner.

If any person shall wilfully or maliciously hinder, let, prejudice, stop or obstruct the said stream or rivulet in its course, contrary to the true intent and meaning of this Act, or shall wilfully or maliciously hinder let, prejudice, obstruct or oppose the said commissioners in the execution of their duties under this Act, he shall on complaint made by any one of the said commissioners before the police magistrate of the said parish, be subject and liable to forfeiture of a penalty not exceeding fifty pounds lawful money, to be recovered in a summary manner.

(7.) The Act of the 16th January 1872 entitled "An Act to remove doubts, concerning the powers of the commissioners of highways for the parish of Saint Philip with respect to the spring or rivulet in that parish called the Three Houses Spring, and also to amend the Act regulating the working of the spring" is hereby repealed.

4. The Act of the 10th May 1720, entitled "An Act appointing security to be given by appellees." shall be amended in manner following, that is to say,

(1.) The first part of the said Act to and inclusive of the words "by the authority of the same that" shall be omitted, and the following words shall be substituted therefor, that is to say, "Be it enacted by the Governor, Council, and Assembly of this island, and by the authority of the same as follows:" the words "or Commander in Chief," and the words "Governors or Commanders-in-Chief of this island for the time being," occurring in section one shall be omitted and the words "the said securities to be allowed" occurring in the same section shall be omitted and the words "the said securities shall be allowed" shall be substituted therefor.

(2.) The words "and be it further enacted by the authority aforesaid that" and the words "or Commander-in-Chief" and the words "or Commander-in-Chief for the time being" occurring in section two shall be omitted.

5. The Act of the 15th February 1736, entitled "An Act to enable and empower assignees and endorsees of all debts and demands to commence suits and do all other

"acts and things in his her or their own name
 "or names for obtaining and getting satisfac-
 "tion thereof in as full and ample manner
 "form and effect, to all intents and purposes
 "as the original creditor might or could do,
 "had no assignment or endorsement been
 "made; and also for giving the like remedy
 "against the assigners, endorsers, or acceptors
 "of inland bills and notes as is used and al-
 "lowed on foreign bills of exchange" shall be
 amended in manner following, that is to say,

(1.) The first part of the said Act to and
 inclusive of the words " after the publication
 of this Act " shall be omitted, and the fol-
 lowing words shall be substituted therefor,
 that is to say,

" Be it enacted by the Governor, Council,
 "and Assembly of this island, and by the au-
 "thority of the same as follows: "

(2.) The following proviso shall be added
 to the first section of the said Act, that is
 to say, " provided always that the defendant
 " or defendants in all such actions or suits
 " as aforesaid, who intend to insist at the
 " trial thereof on the plaintiffs, assigners,
 " or endorsers being sworn, shall, six days at
 " least before such trial, give notice in writ-
 " ing of such his, her or their intention to
 " the plaintiff or plaintiffs, or his, her, or
 " their attorney at-law; and unless such due
 " notice shall be given, or the person re-
 " quired to be sworn legally summoned to
 " attend the court for that purpose three
 " days before the sitting of such court, the
 " trial of the said action or suit shall not be
 " delayed on account of the absence of the
 " plaintiff, assigner, or endorser."

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(8.) The following sections, to be numbered 2 and 3 respectively shall be inserted in the said Act, that is to say,

If on such notice or summons received, the person required to be sworn lies under any bodily infirmity or indisposition, or legal confinement, that will impede his or her attendance on the said court, the deposition of such person so impeded shall and may be taken before any justice of the peace, who is hereby empowered and required to take the same, provided two days notice be given to the defendant or defendants, or his her, or their attorney, of the time and place of the taking thereof; which deposition so taken, shall and may be read in evidence, and made use of on the trial of such action or suit.

When the assigner or endorser leaves the island, or departs this life, or the person to whom the assignment shall be made leaves this island, or departs this life, after such assignment, and the said demand is sued at law or in equity, in such case the defendant or defendants shall not be at liberty to stop the trial of such suit or action by notice to produce the assigner or endorser at the trial; and the courts of law or equity are required to proceed to try and determine the said suit or cause: but it shall and may be lawful for the defendant or defendants, in case he suspects such assignment was colourably made, to examine the representatives of the parties who are dead, or off the island; and he is not precluded from making what discovery he can by the examination of any other witnesses duly summoned in the said case.

(4.) The first ten lines of section 4 of the said Act from the words "and whereas it may happen" down to and inclusive of the words "by the authority aforesaid that" shall be omitted

(5.) The following section, to be numbered 5, shall be added to the said Act, that is to say,

Provided nothing in this Act shall extend or be construed to extend, to debar the jurisdiction of the court of equity for the discovery of any fraudulent assignments, or the granting of relief where the circumstances of the case shall require it.

(6.) The Act of the 23rd November 1773 entitled "An Act to amend an Act, entitled "An Act to enable and empower assignees "and endorsees of all debts and demands to "commence suits and do all other Acts and, "things, in his, her, or their own name or "names for obtaining and getting satisfaction thereof, in as full and ample manner, "form and effect) to all intents and purposes, as the original creditor might or could "do, had no assignment or endorsement "been made: and also for giving the like "remedy against the assigners, endorsers, "or acceptors of inland bills and notes, as "is used and allowed on foreign bills of exchange," is hereby repealed

6. The Act of the 19th May 1754, entitled "An Act to reduce the rate of interest to six per cent" shall be amended in the manner following, that is to say,

(1.) The first part of the said Act to and inclusive of the words "and by the authority of the same, that" shall be omitted, and

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the following words shall be substituted therefor, that is to say,

"Be it enacted by the Governor, Council, and Assembly of this island, and by the authority of the same, as follows:"—the word "that" occurring in lines 15 and 20 of the said Act, before the words "all judgments, bonds, contracts," and the words "all and every person" respectively shall be omitted; the last eight lines of section one of the said Act from and inclusive of the words "all which forfeitures" shall be omitted, and the following words shall be substituted therefor, that is to say, "to be recovered by action of debt, and paid one half to the person who shall sue for the same and the other into the treasury to the credit of the general revenue."

(2.) The first five lines of section two of the said Act to and inclusive of the words "the authority aforesaid that;" in line five, shall be omitted.

(3.) Section four of the said Act is hereby repealed.

7. The Act of the 22nd June 1755 entitled "An Act to enable creditors to recover their just demands out of the effect of their absented or absconding debtors" is hereby repealed.

8. The Act of the 16th February 1762, entitled "An Act for prevention of frauds and perjuries" shall be amended in the manner following, that is to say,

(1.) The first part of the said Act to and inclusive of the words "and by the authority of the same that," shall be omitted, and the following words shall be substituted therefor

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that is say, "Be it enacted by the Governor, Council, and Assembly of this island, and by the authority of the same. as follows:—

(2.) The first two lines of section two of the said Act to and inclusive of the words "commencement of the Act", shall be omitted.

9. The Act of the 4th January 1826 entitled "An Act for vesting Dover Fort, and the lands and buildings thereto belonging situate in the parish of St. Peter in this island, in his Majesty King George the fourth and his heirs and successors" shall be repealed.

10. The Act of the 18 October 1826 entitled "An Act to authorize the treasurer of the island without an order of court to sell and dispose of articles of small value seized under the authority of the excise Acts" is hereby repealed.

11. The Act of the 16 March 1836 entitled "An Act for establishing a police settlement at Dover Fort" is hereby repealed.

12. The Act of the 23 May 1837 entitled "An Act to grant to the subscribers for erecting an ice house a sufficient spot of land on the pier head for effecting that purpose," shall be amended in the manner following:

(1) The words "the said Mole Head Commissioners" occurring in the last line of the said Act shall be omitted, and the words "the Executive Committee" shall be substituted therefor.

13. The Act of the 13 March 1838, entitled "An Act to prevent the holding of Elections in the Parish Churches and to alter

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"the mode of giving notices therein during "Divine Service" shall be amended in the manner following, that is to say,

(1) The first part of the said Act to and inclusive of the words "after the passing of this Act." shall be omitted, and the following words substituted: that is to say, "Be it enacted by the Governor, Council, and Assembly of this island and by the authority of the same as follows: "

14 Section fourteen of the Act of the 6th March 1839 entitled "An Act to amend the laws relating to marriage in this island" is hereby repealed.

15, The Act of the 26th June 1838 entitled, "An Act for preventing tumults and riotous assemblies, and for the more speedy and effectual punishing of the rioters," shall be amended in manner following,

(1.) The first part of the said Act to and inclusive of the words "after the publication of this Act" shall be omitted and the following words shall be substituted therefor, that is to say, "Be it enacted by the Governor Council and Assembly of this island and by the authority of the same as follows:—" the last five lines of section one from and inclusive of the words "at the discretion" to the end shall be omitted and the words "to be imprisoned for any term not exceeding three years" shall be substituted therefor.

(2.) The words "And be it further enacted That" occurring in sections two, three, four, five and six respectively shall be omitted; and the words "one or more of Her Majesty's justices of the peace of this island"

in section 8 shall be omitted, and the words "a police magistrate" shall be substituted therefor.

(3.) The words occurring in the last five lines of section four from and inclusive of the words "at the discretion" to the end shall be omitted and the words "to be imprisoned for any term not exceeding three years" shall be substituted therefor.

(4.) The words "in the common gaol or penitentiary" occurring in section five shall be omitted.

16 The Act of the 7 January 1840 entitled "An Act for the suppression and punishment of vagrancy" shall be amended in the manner following, that is to say,

(1) The first part of the said Act to and inclusive of the words "by the authority of the same that" shall be omitted, and the following words shall be substituted therefor, that is to say, "Be it enacted by the Governor, Council, and Assembly of this island, and by the authority of the same, as follows:" the words "be it further enacted that" occurring in line 7 from the end of section one of the said Act shall be omitted; the words from and inclusive of the words "by the confession" to and inclusive of the words "exceeding fourteen days" occurring at the end of section one of the said Act shall be omitted, and the words "to prison for any period not exceeding fourteen days with hard labour" shall be substituted therefor.

(2) The words "by the confession of such offender; or by the evidence on oath of one or more credible witness or witnesses to

"any lawful place of imprisonment there, or
"on the public streets or highways" occur-
"ing in the latter part of section two of
the said Act shall be omitted, and the words
"to prison" shall be substituted therefor.

(3) The words "And be it further en-
acted that "occurring in the first line of
sections two three, four, and five respectively
of the said Act, shall be omitted.

(4) Section six of the said Act is hereby
repealed.

(5) The words "And be it further enacted
that" occurring in line 1, of section seven of
the said Act shall be omitted; the words "if
they think fit," and the words "in some
lawful place of confinement, and there, or on
the public streets, or highways to be" occur-
ring in line 5, and lines 5 and 6 respec-
tively of the said section shall be omitted,
and the word "and" shall be inserted after
the word "imprisoned" occurring in said
line 5; the word "calendar" and the words
"from the time of making such order" oc-
curring respectively in the last line but one,
and in the last line of the said section shall
be omitted.

(6) The words "And be it further en-
acted that" and the words "upon the oath
of one or more witness or witnesses," and
the words "and in case such offender shall not
forthwith pay such sum so forfeited the same
shall be levied and raised as in the case of
servants wages" occurring in section eight of
the said Act shall be omitted, and for the
words last omitted the words "to be re-
covered in a summary manner" shall be
substituted.

(7) The words "And be it further enacted that" and the words "and seal" occurring in section nine of the said Act, shall be omitted.

(8) Sections ten and eleven of the said Act are hereby repealed.

(9) The words "and for the protection of persons acting in the execution of this Act, be it further enacted that," and the words "shall be laid and tried in the precinct, wherein the fact was alleged to be committed and," and the words "a verdict," and the words "after issue joined" occurring in section twelve of the said Act shall be omitted, and for the words "a verdict" so omitted, whenever occurring in the said section, the word "judgment" shall be substituted.

(10) Schedule A of the said Act is hereby repealed.

17. The words "and be it further enacted that" occurring in section two of the Act of the 1st October 1841, entitled "An Act to authorize the enrolment in the secretary's office in this island, of copies of the charter, and supplemental charter of the colonial bank; and to render the same, or certified copies thereof, legal evidence" shall be omitted.

18. The Act of the 10th. May 1845, entitled "An Act for vesting all lands and buildings in this Island, now set apart according to law for purposes of military defence and service, in the principal officers of the ordnance, and for granting certain powers to the said principal officers in relation thereto," shall be amended in the manner following, that is to say.

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(1.) The first part of the said Act to and inclusive of the words "after the passing of this Act" shall be omitted, and the following words shall be substituted therefor, that is to say, "Be it enacted by the Governor, Council, and Assembly of this island, and by the authority of the same as follows:—the word "said" occurring after the words "service of the" in line 7 of section 1 shall be omitted; the words "the principal officers of Her Majesty's ordnance in Great Britain for the time being, and their successors in the said office," and the words principal officers or "their successors in the said office shall" occurring in section one of the said Act shall be omitted, and the words "the Secretary of State for war in Great Britain for the time being, and his successor in office" and the words "Secretary of State for war, or his successor in office shall" shall be respectively substituted therefor.

(2.) The words "And be it further enacted that" occurring in sections two, three, four, and five of the said Act shall be omitted; the words "principal officers of Her Majesty's ordnance for the time being, or by any other person or persons by their order, or be placed under their charge," and the words "principal officers of Her Majesty's ordnance for the time being, and their successors in the said office," occurring in section two of the said Act shall be omitted, and the words "Secretary of State for war, or by any other person by his order, or be placed under his charge," and the words "Secretary of State for war, and his successor, in office" shall respectively be substituted therefor.

(3.) The words "principal officers of Her Majesty's ordnance for the time being, and their successors in the said office," the words "vested in them under," the words "by the said principal officers," and the words "the said principal officers of Her Majesty's ordnance for the time being, and their successors in office" occurring in section three of the said Act shall be omitted, and the words "Secretary of State for war, and his successor in office," the words "vested in him under," the words "by the said Secretary of State for war," and the words "the said Secretary of State for war, and his successor in office" shall respectively be substituted therefor.

(4) The words "principal officers of Her Majesty's ordnance for the time being, and their successors in office" and the words "principal officers of Her Majesty's ordnance" occurring in section four of the said Act shall be omitted, and the words "Secretary of State for war, and his successor in office" and "Secretary of State for war" shall be respectively substituted therefor.

(5.) The words "principal officers" occurring in line 9 of section five of the said Act shall be omitted, and the words "Secretary of State for war" shall be substituted therefor.

(6.) The following section to be numbered six, shall be added after section five of the said Act, that is to say,

6. The powers, authorities, provisions, matters, and things contained in the Act of the Imperial Parliament, 18 and 19 Victoria, chapter, 117, so far as the same are applicable, shall form part of this Act, and be ex-

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ertised and exercisable in as full a manner to all intents, and purposes whatsoever, as if the same were set forth in this Act and formed part thereof.

19. The Act of the 18 April 1856 entitled "An Act for transferring to and vesting in Her Majesty's secretary of state for the war department all the powers and estates which are vested by an Act of this island — 1845 — in the principal officers of the ordnance" is hereby, repealed.

20 The Act of 21 August 1848 entitled "An Act to provide for the assimilation of the Currency and moneys of account of this Her Majesty's Island of Barbados to the currency and moneys of account of the United Kingdom of Great Britain and Ireland" shall be amended in manner following, that is to say:—

(1.) The first ten lines of the said Act to and inclusive of the words "and by the authority of the same that" shall be omitted, and the following words shall be substituted, that is to say, "Be it enacted by the Governor, Council, and Assembly of this Island "and by the authority of the same as follows" the word "that" occurring in lines 14 and 25 of the said Act shall be omitted.

(2.) The words "and be it enacted that" occurring in sections two, three, four, five, six, and eight respectively of the same Act, and the word "that" in line 18 of section 2 and in line 11 of section three, shall respectively be omitted.

(3.) Section 4 of the said Act is hereby repealed.

21. The Act of 29 August 1848 entitled "An Act to interdict the sale of old gold, silver, iron, copper, lead, and other metals without a certificate and for more effectually preventing the purchase and exportation of stolen articles of the like description," shall be amended in manner following.

(1.) The first part of the said Act to and inclusive of the words "after the passing of this Act" shall be omitted, and the words "Be it enacted by the Governor, Council, and Assembly of this island and by the authority of the same as follows" shall be substituted; the words "or sworn Justice of the peace" and the words, "or Justice of the Peace" occurring in section one shall be omitted.

(2.) Section two of the said Act shall be amended by omitting the words "and be it further enacted that from and after the passing of this Act" and the words "or Justice of the peace."

(3.) The words "and be it enacted that" occurring in sections three, eight and ten of the said Act shall be omitted.

(4.) The words "provided always, and be it enacted that," occurring in the first line of section nine of the said Act and the words "or justice of the peace" occurring in line three and in line six of said section shall be omitted.

(5.) The words "raised as in the case of servants wages" occurring in line two of section ten shall be omitted and the words "recovered before a police magistrate in a summary manner" shall be substituted therefor; and the words "who is hereby declared a

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competent witness" in said section shall be omitted.

(6.) The words "and be it further enacted that," and the words " Provided also, and be " it further enacted that" in sections 11, 12, and 13 respectively, shall be omitted.

(7.) The words " and Justices of the peace" occurring in section thirteen shall be omitted.

22. The Act of the 1st December 1848 entitled "An Act to authorise the apprehension of certain offenders escaping to this island from any place within the territory or dominions of the republic of Venezuela in order that such offenders may be delivered up to justice" shall be amended as follows :

(1.) The first part of the Act to and inclusive of the words "authority of the same " that" shall be omitted, and the words" Be it enacted by the Governor, Council, and Assembly of this island and by the authority " of the same as follows" shall be substituted therefor.

(2.) The words "said" in line 2 of section 1 shall be omitted.

(3.) The word "or commander in chief " for the time being in this island," and the words "justice of the peace or," and the words " Provided always, and be it enacted that" and the words "And be enacted that" wherever respectively occurring in the said Act shall be omitted.

23. The Act of the 25 February 1851 entitled " An Act for shortening the language " used in Acts of the Legislature of this Island" shall be amended in the manner following, that is to say,

(1.) The first part of the said Act to and inclusive of the words " by the authority of the same, that " shall be omitted, and the following words shall be substituted therefor, that is to say, " Be it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :"—

(2.) The words " Be it enacted that " occurring in sections two, three, four, five, six, and seven of the said Act shall be omitted.

(3) The words " and where there are more statutes than one in the same year, the statute" occurring in section three shall be omitted.

(4) The words " or President " occurring in line eleven of section four shall be omitted.

(5.) Section eight of the same Act shall be repealed.

24. The Act of the 16 July 1851 entitled " An Act to incorporate " The Barbados " Mutual Life Assurance Society " shall be amended in manner following, that is to say,

(1.) The first part of the said Act to and inclusive of the words " by the authority of the same, that" occurring in line 16, shall be omitted, and the words " Be it enacted by " the Governor, Council, and Assembly of " this island, and by the authority of the same, " as follows : " shall be substituted therefor ; and the words "said society" in lines 1 and 2 of section one shall be omitted, and the words " the Barbados Mutual Life Assurance Society" shall be substituted therefor.

(2.) The word " whatsoever " occurring in line 2 of section 3 of the said Act shall

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be omitted, and the words " necessary " shall be substituted therefor ; and the 3 last lines of the said section from and inclusive of the words " as fully as " shall be omitted.

(3.) The Act of the 12 August 1845, entitled " An Act to enable "The Barbados " Mutual Life Assurance Society " to sue " and be sued in the name of the Secretary, " or in the name or names of one or more of " the Directors of the said Society, and to " facilitate the carrying out of the objects " and transacting the business of the said " Society," and the Act of the 18 July 1846 entitled " An Act to amend an Act, entitled " An Act to enable the Barbados Mutual " Life Assurance Society to sue and be sued " in the name of the secretary, or in the name " or names of one or more of the Directors of " the said Society, and to facilitate the carrying out the objects and transacting the " business of the said Society," are hereby " respectively repealed.

25. The Act of the 12th April 1854 entitled " An Act to secure to persons who " were manumitted during the existence " of slavery in this island, the annuities " to which they are entitled for their lives " shall be amended in the manner following, that is to say,

(1.) The word " That " occurring in line 9 of the said Act shall be omitted, and the words " as follows " shall be substituted therefor.

(2.) From the words " or by complaint " occurring in line three of section two of the said Act to the end of the section shall be omitted.

26. The Act of the 10th May 1854 entitled "An Act to alter the mode of publishing the Acts of this island" shall be amended in the manner following, that is to say,

(1.) The preamble of the said Act to and inclusive of the words "the Acts of this island" shall be omitted: the word "that" occurring in the line 3 of the said Act shall be omitted, and the words "as follows:"—shall be substituted therefor.

(2.) The words "of the city of Bridge-town, as in the case of servants wages" occurring at the end of section two shall be omitted.

27. Section 13 of the Act of the 24th May 1854 entitled "An Act to substitute in certain cases other punishment in lieu of "transportation" is hereby repealed.

28. The Act of the 31st January 1857 entitled "An Act to provide for the establishment and maintenance of a court of 'Appeal'" shall be amended as follows:

(1.) The words "in Executive Committee" shall be substituted for the words "in Council" in sections 4 and 16.

(2.) The following section shall be inserted in the said Act, and shall be renumbered 10, that is to say.

10. Nothing in this Act contained shall prevent parties from appealing to Her Majesty in Council either from the established courts in this colony respectively, or from the said court of Appeal, under such regulations and upon such terms and conditions as Her Majesty in Council shall be pleased to establish.

(3.) The words "be transported beyond the seas for any term not exceeding ten years or to be" in section 20 shall be omitted, and the words "penal servitude for any term not exceeding six years, or to be" shall be substituted therefor.

(4.) The Act of the 9th January 1858 entitled "An Act to amend An Act to provide for the establishment and maintenance of a Court of Appeal" is hereby repealed.

29. The words "the Governor may by order on the colonial treasurer, direct the re-fund from the treasury of the whole or any part of any penalty paid into the treasury, and subsequently remitted by the Governor" shall be added to the Act of the 28rd August 1862 entitled "An Act to amend the law concerning the remission of penalties,"

30. The preamble and the word "said" occurring in line 5 and in line 6 and the word "aforesaid" occurring in line 14 of section one of the Act of the 19th September 1862, entitled "An Act for vesting all estates and property, in this island occupied by or for the naval service of the United Kingdom of Great Britain and Ireland in the Lord High Admiral or the commissioners for executing the office of Lord High Admiral of the said United Kingdom for the time being" shall be omitted from the said Act.

31. The preamble, and the word "therefore" in the first line of the enacting part of the Act of the 21st. December, 1864, entitled "An Act to make better provision for the collection and delivery of the water of

‘Porey’s spring,” shall be omitted from the said Act.

32. The Act of the 5th. July, 1867 entitled “An Act for granting a loan and a sum of money to the commissioners of roads for the city of Bridgetown for making certain improvements thereof,” and the Act of the 27th. November 1867, entitled “An Act for incorporating the philharmonic society established in the island of Barbados with limited liability” shall be and are hereby repealed.

33. The Act of the 17 February 1868, entitled “An Act to consolidate and amend the law of this island relating to larceny and other similar offences” shall be amended in the manner following, that is to say,

(1.) The preamble of the said Act shall be omitted therefrom.

(2.) The expressions “or before two justices of the peace,” “or the said justices,” or “two justices of the peace,” “or justices” “or a justice of the peace,” “or justice of the peace,” or “justice,” and “or the justice,” wherever occurring in the said Act, shall be omitted therefrom.

(3.) The expression “the common gaol or house of correction” wherever occurring in the said Act shall be omitted therefrom, and the word “prison” shall in each case of omission be substituted for the words omitted.

(4.) The words “or of any plots or plans of land sold by the Court of Chancery” shall be inserted in line 3 of section 18 of the said Act after the words “document of

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title to lands" and section 36 of "The Chancery Act, 1889," shall be repealed.

(5.) The following section to be numbered 61, shall be inserted in the said Act after section 60, that is to say

As to falsification of accounts by clerks &c.

61 (1) If any clerk, officer or servant or any person employed or acting in the capacity of a clerk, officer, or servant, shall wilfully and with intent to defraud, destroy, alter, mutilate or falsify any book, paper, writing, valuable security or account which belongs to, or is in the possession of his employer, or has been received by him for, or on behalf of his employer, or shall wilfully and with intent to defraud, make or concur in making any false entry in, or omit or alter, or concur in omitting or altering any material particular from or in any such book or any document or account, then and in every such case the person so offending shall be guilty of a misdemeanor, and be liable to be kept in penal servitude for a term not exceeding seven years, or to be imprisoned with or without hard labor for any term not exceeding two years.

(2.) It shall be sufficient in any indictment under this section to allege a general intent to defraud without naming any particular person intended to be defrauded.

(6.) The following section to be numbered 75, shall be inserted in the said Act after original section 78, to be renumbered 74, that is to say,

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Larceny by co-partners.

75. If any person being a member of any co-partnership, or being one of two or more beneficial owners of any money, goods or effects, bills notes, securities or other property, shall steal or embezzle any such money, goods, or effects, bills, notes, securities or other property of, or belonging to any such co-partnership or to such joint beneficial owners, every such person shall be liable to be dealt with, tried, convicted and punished for the same as if such person had not been or was not a member of such co-partnership or one of such beneficial owners.

(7.) The following section to be numbered 89, shall be inserted in the said Act after original section 86, renumbered 88, that is to say,

89. Where any prisoner shall be convicted, either summarily or otherwise, of larceny or other offence, which includes the stealing of any property, and it shall appear to the court by the evidence that the prisoner has sold the stolen property to any person, and such person has had no knowledge that the same was stolen, and that any monies have been taken from the prisoner on his apprehension, it shall be lawful for the court, on the application of such purchaser, and on the restitution of the stolen property to the prosecutor, to order that out of such monies a sum not exceeding the amount of the proceeds of the said sale be delivered to the said purchaser.

(8.) Section 99 of the said Act of 17th February 1868, the Act of the 11th March

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1885, entitled, "An Act to provide for the better security of the property of co-partnerships and other joint beneficial owners against larceny and embezzlement by part owners thereof"; the Act of the 15th August 1885, entitled "An Act to amend the law with reference to the falsification of accounts," and section five of the Act of the 10th November, 1885, entitled "An Act to further amend the administration of criminal law in this island," are hereby repealed.

34. The Act of the 17th February 1868, entitled "An Act to consolidate and amend the law of this island relating to malicious injuries to property" shall be amended in manner following, that is to say,

(1.) The preamble of the said Act shall be omitted.

(2.) The expressions "or justice of the peace," "the justice," "or justice" "or justice of the peace," "or a justice of the peace," "or neighbouring justice of the peace," "or the justice," wherever occurring in the said Act shall be omitted therefrom.

(3) The expression "the common gaol or house of correction" wherever occurring in the said Act shall be omitted, and the word "prison" shall in each case of omission be substituted for the words omitted.

(4.) The words "the common gaol of the Town Hall or house of correction" occurring in section 58 of the said Act shall be omitted and the words "any prison" shall be substituted therefor.

(5) Section 60 of the said Act is hereby repealed.

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85. The Act of the 17 February 1868, entitled "An Act to consolidate and amend the law of this island relating to indictable offences by forgery" shall be amended in manner following that is to say

(1) The preamble to the said Act shall be omitted.

(2) The words "police magistrate or" shall be inserted in section 17 of the said Act before the words "Justice of the peace" occurring in line 3 and line 7 of the said section.

(3) The words "the common gaol of the town hall or in any prison or house of correction" occurring in section 31 of the said Act shall be omitted and the words "any prison" shall be substituted therefor.

(4) Section 33 of the said Act. is hereby repealed.

86. The Act of the 17th February 1868, entitled "An Act to consolidate and amend the law of this island relating to the coin" shall be amended in manner following, that is to say,

(1) The preamble of the said Act and the word "therefore" in line 2 shall be omitted.

(2) The expressions "or two justices of the peace," "or justice of the peace," "or justice," wherever occurring in sections 16 and 22 shall be omitted; and the words "the common gaol or house of correction" occurring in section 22 shall be omitted, and the word "prison" shall be substituted therefor; the words "and for every such certificate a fee of six shillings and eight pence and no more shall be demanded and taken" occurring in section 30 shall be

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omitted; the words "the common gaol or other prison" occurring in section 32 shall be omitted, and the words "any prison" shall be substituted therefor.

(3) Section 34 of the said Act is hereby repealed.

37. The Act of the 17th February 1868 entitled "An Act to consolidate and amend the law of this island relating to offences against the person" shall be amended in the manner following, that is to say,

(1) The preamble of the said Act shall be omitted

(2) The words "or two justices of the peace" occurring in sections 33, 35 and 36 of the said Act shall be omitted.

And the words "in the common gaol or house of correction" occurring in sections 33, and 36 shall be omitted.

(3) The words "or them" occurring in lines 5 and 6, and also in line 8 of section 35 of the said Act shall be omitted; the word "justices" occurring in line 12 of the said section shall be omitted, and the words "police magistrate" shall be substituted therefor; the word "they" occurring in line 13 of the said section shall be omitted, and the word "he" shall be substituted therefor.

(4) The words "or justices" occurring in sections 35, 36, 37, and 39 of the said Act shall be omitted therefrom respectively; the word "justices" occurring in line 16 of section 36 shall be omitted, and the words "police magistrate" shall be substituted therefor.

(5) The words "or they," and the words "under his or their hands" occurring in lines

6 and 7 respectively of section 37 shall be omitted, and the words "under his hand" shall be substituted for the said words "under his or their hands."

(6) The word "they" occurring in line 5 of section 39 shall be omitted, and the word "he" shall be substituted therefor; the words "or they" occurring in line 6 shall be omitted.

(7) The words "the common gaol or house of correction" occurring in section 35, shall be omitted, and the word "prison" shall in each case of omission be substituted.

(8) The head note of section 41, namely *Rape abduction and defilement of women* shall be omitted, and the head note *Protection of women and girls*, shall be substituted.

(9) Sections 43, 44, and 45 of the said Act are hereby repealed, and sections 47, 48, and 49 shall respectively be numbered 42, 43 and 44.

(10) The following sections, to be numbered respectively 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, and 57, shall be inserted in the said Act after original section 49, re-numbered 44 as aforesaid.

45. Any person who—

(1.) procures or attempts to procure any girl or woman under twenty one years of age, not being a common prostitute, or of known immoral character, to have unlawful carnal connection, either within or without the colony with any other person or persons; or

(2.) procures or attempts to procure any woman or girl to become either within or without the colony a common prostitute; or

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(8.) procures or attempts to procure any woman or girl to leave the island with intent that she may become an inmate of a brothel elsewhere ; or

(4.) procures or attempts to procure any woman or girl to leave her usual place of abode in the island (such place not being a brothel,) with intent that she may, for the purposes of prostitution, become an inmate of a brothel within or without the colony. shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.

Provided that no person shall be convicted of any offence under this section upon the evidence of one witness, unless such witness be corroborated in some material particular by evidence implicating the accused.

46. Any person who—

(1.) by threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connexion, either within or without the colony ; or

(2.) by false pretences or false representations procures any woman or girl, not being a common prostitute, or of known immoral character, to have any unlawful carnal connexion, either within or without the colony ; or

(8.) applies administers to, or causes to be taken by any woman or girl any drug matter, or thing, with intent to stupify or overpower so as thereby to enable any person to have unlawful carnal connexion with such woman or girl, shall be guilty of

a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.

Provided that no person shall be convicted of an offence under this section upon the evidence of one witness only unless such witness be corroborated in some material particular by evidence implicating the accused.

47. (1.) Any person who unlawfully and carnally knows any girl under the age of twelve years, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

(2.) Any person who attempts to have unlawful carnal knowledge of any girl under the age of twelve years shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.

(3.) Where, upon the hearing of a charge under this section, the girl in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness, does not, in the opinion of the court or magistrate understand the nature of an oath, the evidence of such girl or other child of tender years may be received, though not given upon oath, if, in the opinion of the court or

magistrate, as the case may be, such girl or other child of tender years is possessed of sufficient intelligence to justify, the reception of the evidence, and understands the duty of speaking the truth ; provided that no person shall be liable to be convicted of the offence unless the testimony admitted by virtue of this section and given on behalf of the prosecution shall be corroborated by some other material evidence in support thereof implicating the accused ; provided also, that any witness whose evidence has been admitted under this section shall be liable to indictment and punishment for perjury in all respects as if he or she had been sworn.

48. Whereas doubts have been entertained whether a man who induces a married woman to permit him to have connexion with her by personating her husband is or is not guilty of rape, it is hereby enacted and declared that every such offender shall be deemed to be guilty of rape.

49. Any person who—

(1.) unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of any girl being of or above the age of twelve years and under the age of thirteen years ; or

(2.) unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of any female idiot or imbecile woman or girl, under circumstances which do not amount to rape, but which prove that the offender knew at the time of the commission of the offence that the woman or girl was an idiot or imbecile, shall be guilty of a misdemeanor, and being convicted thereof shall

be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.

50. Any person who, being the owner or occupier of any premises, or having, or acting or assisting in, the management or control thereof induces or knowingly suffers any girl of such age as is in this section mentioned to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally.

(1.) shall, if such girl is under the age of twelve years, be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and

(2.) if such girl is of or above the age of twelve and under the age of thirteen years, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.

51. Whosoever shall unlawfully take or cause to be taken any unmarried girl being under the age of sixteen years out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any

term not exceeding two years, with or without hard labour.

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the court or jury that the person so charged had reasonable cause to believe that the girl was of or above the age of sixteen years.

52. Any person who detains any woman or girl against her will—

(1.) in or upon any premises with intent that she may be unlawfully and carnally known by any man, whether any particular man or generally, or

(2) in any brothel, shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.

Where a woman or girl is in or upon any premises for the purpose of having any unlawful carnal connexion, or in any brothel, a person shall be deemed to detain such woman or girl in or upon such premises, or in such brothel, if, with intent to compel or induce her to remain in or upon such premises, or in such brothel, such person withholds from such woman or girl any wearing apparel or other property belonging to her, or, where wearing apparel has been lent or otherwise supplied to such woman or girl by or by the direction of such person, such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

No legal proceedings whether civil or criminal, shall be taken against any such woman or girl for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave such premises or brothel.

53. If upon the trial of any indictment for rape or any offence made felony by section forty seven of this Act, the jury shall be satisfied that the defendant is guilty of an offence under section forty-six, forty seven, forty eight, or forty nine of this Act, or of an indecent assault, but are not satisfied that the defendant is guilty of the felony charged in such indictment, or of an attempt to commit the same, then and in every such case the jury may acquit the defendant of such felony and find him guilty of such offence as aforesaid, or of an indecent assault, and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such offence as aforesaid, or for the misdemeanor of indecent assault.

54. If it appears to any police magistrate on information made before him on oath by any parent, relative, or guardian of any woman or girl, or any other person who, in the opinion of the police magistrate is bona fide acting in the interest of any woman or girl that there is reasonable cause to suspect that such woman or girl is unlawfully detained for immoral purposes by any person in any place within the jurisdiction of such magistrate such magistrate may issue a warrant authorising any person named therein to search for and when found to take to and detain in a

place of safety such woman or girl until she can be brought before a police magistrate ; and the magistrate before whom such woman or girl is brought may cause her to be delivered up to her parents or guardians, or otherwise dealt with as circumstances may permit and require.

The magistrate issuing such warrant may, by the same or any other warrant cause any person accused of so unlawfully detaining such woman or girl to be apprehended and brought before a magistrate and proceedings to be taken for punishing such person according to law.

A woman or girl shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purpose of being unlawfully and carnally known by any man, whether any particular man or generally and—

(a) Either is under the age of thirteen years ; or

(b) If of or over the age of thirteen years, and under the age of sixteen years is so detained against her will, or against the will of her father or mother or of any other person having the lawful care or charge of her ; or

(c) If of or above the age of sixteen years is so detained against her will.

Any person authorized by warrant under this section to search for any woman or girl so detained as aforesaid may enter (if need be by force) any house, building or other place specified in such warrant, and may remove such woman or girl therefrom.

Provided always, that every warrant

issued under this section shall be addressed to and executed by some officer of police, who shall be accompanied by the parent, relative or guardian or other person making the information, if such person so desire, unless the magistrate shall otherwise direct.

55. Any male person who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any male person of any act of gross indecency with another male person, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.

56. Where on the trial of any offence under this Act it is proved to the satisfaction of the Court that the seduction or prostitution of a girl under the age of sixteen has been caused, encouraged or favoured by her father, mother, guardian, master, or mistress, it shall be in the power of the court to divest such father, mother, guardian, master, or mistress of all authority over her, and to appoint any person or persons willing to take charge of such girl to be her guardian until she has attained the age of twenty one; or any age below this as the court may direct, and the vice-chancellor shall have the power from time to time to rescind or vary such order by the appointment of any other person or persons as such guardian, or in any other respect.

57. Every person charged with an offence under either of the sixteen last preceding sections of this Act, and the husband

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or wife of the person so charged, shall be competent but not compellable witnesses on every hearing at every stage of such charge except an enquiry before a grand jury.

(11.) The following subsection, to be numbered (2) shall be added to original section 51 of the said Act to be renumbered 58, relating to child stealing, that is to say,

(2) If any person shall, with intent to send away any child under the age of fourteen years from this colony for the purpose of being employed in any other colony, and without the knowledge of the parent or parents, or the person having the care, charge, or custody of such child, send or carry away or cause and procure to be sent and carried away from this colony any such child, every such offender and every person counselling, aiding or abetting such offender, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned with or without hard labour, for any term not exceeding two years.

(12.) The words "or a justice of the peace" occurring in section, originally 60, but to be numbered 67, shall be omitted; and the words "the common gaol or in any prison or house of correction" occurring in section originally 68, but to be re-numbered 70, shall be omitted, and the words "any prison" shall be substituted therefor; and original section 69 relating to the date the Act was to come into operation is repealed.

(13.) The following section to be numbered 76, shall be added to the said Act after the section originally 68, but to be re-numbered 75, that is to say,

Flogging.

76. Where any person is convicted at the court of grand sessions of this island of any offence against the person wherein it is proved by the evidence adduced at the trial that the offender used a knife, razor, or any other sharp or pointed instrument whatsoever made of steel, iron, brass, or any metal whatsoever likely to do any grievous bodily harm, in addition to any punishment to which such person is now liable under this such offender shall be liable, at the discretion of the court, to the following punishment, namely ;

- (a.) if a male to be once, twice, or thrice privately whipped, but subject to the provisions with regard to whipping contained in section nineteen of this act, and
- (b.) if a female to have her hair cut close on being committed to prison, and kept close while undergoing imprisonment and until discharged from prison ;

provided always that in any case where the person convicted is sentenced to undergo capital punishment, the additional punishment imposed under this Act shall not be inflicted.

(14) The Act of the 26th April 1839 entitled "An Act to prevent the clandestine deportation of young persons from this island"; the Act of the 16th October 1885 entitled " An Act to authorise flogging in certain cases of wounding"; and sections two to thirteen, both included, of the Act of the 28th June 1889 entitled shortly "The

Criminal law amendment Act, 1889" are hereby repealed.

38. The Act of the 2 May 1866 entitled "An Act to authorize the vestry of the parish of Saint Philip to appropriate one acre of the glebe land in order to enlarge the burial ground." is hereby repealed.

39. The Act of 11th August 1868, entitled "An Act for incorporating the society called the Commercial Hall in the island of Barbados with limited liability" shall be amended in the manner following that is to say,

(1) The first seven lines of the said Act to and inclusive of the words "hereinafter contained," and the word "therefore" in line 7 of the said Act shall be omitted.

(2) The word 'said' in line 1 of section one shall be omitted, and the words "called commercial hall" shall be inserted in the said line 1 after the word "society."

(3) The words "justice of the peace" in line 6 of section four shall be omitted, and the words "police magistrate" shall be substituted therefor; the words "as in the case of servants' wages" in line 7 shall be omitted; the words "all and every the justices of the peace are" in line 7 and 8 shall be omitted, and the words "every police magistrate is" shall be substituted therefor.

40. The Act of the 15th April 1869, entitled "An Act to prevent spirituous or fermented liquors being brought on board her Majesty's ships" shall be amended in the manner following, that is to say;—

(1.) The first part of the said Act to and inclusive of the words "by the authority of the same that" shall be omitted, and

the words "Be it enacted by the Governor, " Council, and Assembly of this island, and " by the authority of the same, as follows," shall be substituted therefor.

(2.) The words "as in the case of servants' wages" occurring in the said Act shall be omitted, and the words "in a summary manner" shall be substituted therefor.

41. The Act of the 5th August 1870 entitled "An Act to amend the law relating to promissory oaths" shall be amended as follows ;

(1.) The words "oaths to be continued" forming part of the head note over section 2 shall be omitted.

(2.) The first four lines of section 9 to and inclusive of the words "privy councillors" shall be omitted and the words "The Executive Council" shall be substituted for the words "Council instead of the privy councillors oath now taken by them" occurring in the said section.

42. The words "as in the case of servants wages" occurring in section one of the Act of the 4th October 1870 entitled "An Act to encourage the laying down of water works in the several parishes of this island" shall be omitted.

43. The Act of the 4th. July 1873 entitled "An Act to authorize Henry Edward Thorne of the City of Bridgetown to drive piles and fill in on the sea side of a spot of land adjoining Marshall's Hall, and to erect a jetty in the sea" shall be amended as follows ;—

(1.) The preamble of the said Act, and the word "therefore" in the enacting part, first line, shall be omitted, and the words

1891. c. 71.

"as follows" shall be substituted for the words 'that the said' following the words 'by the authority of the same' in line 2 of the enacting part.

(2.) The words 'clerk of the board of molehead commissioners' and the words 'said molehead commissioners' occurring in the said Act shall be omitted and the words 'Colonial Secretary' and 'Governor-in-Executive-Committee' shall respectively be substituted therefor; and the words 'as in the case of servants wages' at the end of the said Act shall be omitted.

44. The Act of the 20th August 1873, entitled 'An Act for authorising the making of gas works for the city of Bridgetown and its suburbs, and for incorporating a joint stock company with limited liability to carry the same into effect' shall be amended as follows:—

(1.) The following words shall be added to section 18, namely, "No shareholder of the said company shall be liable for or charged with the payment of any debts or demand due from or by the company beyond the extent of his shares of the capital of the company not then paid up."

(2) The words "and seal" in section 40 shall be omitted.

(3) Section 44 shall be omitted, and the following section shall be substituted therefor, that is to say,

Where not otherwise provided for all penalties and forfeitures under this Act or imposed by any bye-law, rule, or order made in pursuance thereof may be recovered in a summary manner before a police magistrate,

and shall be paid, one half to the informer and the other into the treasury to the credit of the general revenue.

(4.) The words "in manner directed by this Act" for the levying of any penalties or forfeitures as aforesaid" at the end of section 45 shall be omitted.

(5.) Sections 50 and 52 of the said Act are hereby repealed.

(6.) The Act of the 30th December 1878 entitled—"An Act to amend the Act entitled "An Act for authorizing the making of gas-works for the city of Bridgetown and its suburbs, and for incorporating a joint-stock company with limited liability to carry the same into effect." is hereby repealed.

45. The several Acts, and parts of Acts repealed by this Act are repealed subject to the following conditions, that is to say,

(1.) Any rule order or bye-law now in force whether made under any enactment repealed or not shall continue in force until otherwise provided; and

(2.) Any officer appointed under any enactment repealed shall continue and be deemed to have been duly appointed under this Act; and

(3.) Any enactment or document referring to any Act or enactment repealed shall be construed to refer to this Act or to the corresponding enactment in this Act.

(4.) The repeal shall not affect

(a) The past operation of any enactment repealed nor any thing duly done or suffered under any enactment repealed; or

- (b) any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment repealed; or
 - (c) any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactments repealed; or
 - (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding and remedy may be carried on as if this Act had not passed; or
 - (e) any Act in which the enactments repealed have been applied, incorporated or referred to.
- (5.) The repeal shall not revive any enactment, right, office, privilege, matter or thing not in force or existing at the passing of this Act.

46. In preparing and printing the new edition of the laws of Barbados, the Commissioners shall make the several alterations, additions, amendments, and omissions required by this Act in and to the several Acts herein mentioned, and shall renumber the sections of such Acts, as far as may be necessary; and when the alterations, additions, amendments, and omissions required to be made by this Act have been made, the Commissioners shall omit this Act from such new edition of the laws.

CAP. LXXIII.

(Assented to 9th September, 1891.)

BARBADOS.

An Act to consolidate and amend the Acts of this island relating to vestries.

BE it enacted by the Governor, Council and Assembly of this island, and by the authority of the same, as follows ;

Short title.

1. This Act may be cited as "The Vestries Act, 1891." Short title.

Members of vestries.

2. The Rector of each parish shall be *ex officio* a member of the vestry of the parish of which he is Rector, and shall be chairman of and preside in such vestry ; but in case the rector shall not be present, the churchwarden, or in his absence the senior vestryman present shall be chairman and preside as aforesaid. The chairman shall only vote when there is an equality of votes.

3. (1) The number of vestrymen elected for the several parishes of the island shall be not less than ten nor more than sixteen for each of the parishes of Saint Michael, Christ Church, and Saint Philip, and not less than six nor more than ten for each of the other parishes, and such vestrymen when so elected shall have full power to discharge and perform such duties in behalf of their respective parishes as hereinafter mentioned ; provided that if any person not being present at the time of election shall be elected a vestryman for any parish, the vestry clerk, under a penalty of five pounds,

shall within three days after, give notice thereof to such person.

One person may be a member of more than one vestry. (2) It shall be lawful for the same person to be at the same time a member of more than one of the several vestries of this island.

The number of vestrymen elected at first meeting in each year shall be the number for whole year. (3) The number of the persons nominated as vestrymen at the first nomination of vestrymen in any year shall be the number of vestrymen to be elected for such parish for the then current year, provided such number does not exceed the maximum number fixed by sub-section one of this section, but if such number does exceed such maximum then the maximum shall be the number of vestrymen to be elected.

Quorum.

Quorum.

4. All powers and duties to be performed by the vestry of any parish may be exercised and performed respectively by the major part of such vestry assembled at any meeting, there being not less than a majority of the vestry present at any such meeting; and all orders and directions given and all contracts and engagements entered into by the vestrymen present at any such meeting, or the major part of them then assembled, shall be as valid and effectual as if the same were done by all the said vestrymen for the time being, and shall be binding and conclusive on all such vestrymen.

Meeting.

Place of meeting.

5. In any case in which the vestry room of any parish shall not be sufficiently large and commodious for any vestry meeting, such meeting shall be held in some other place within the said parish, to be determined on by the said vestry.

6. A meeting of any vestry may be convened by any three members thereof or by the clerk of such vestry upon the requisition in writing of any three members of such vestry by a notice to the several members thereof forty eight hours at least before the time of meeting, such notice to be signed by the members or clerk convening the meeting and to specify the object thereof.

Conditions under which meeting may be convened.

Qualification, resignation, &c.

7. Every male subject of her Majesty, her heirs and successors, who shall have attained the age of twenty-one years, and who shall be absolutely and beneficially seized and possessed as owner and proprietor of ten or more acres of land in this island in fee simple, or fee tail, with a dwelling house thereon of not less than the value of sixty-four pounds, or who shall be beneficially interested in an estate of freehold for his own life or in right of marriage, or as the dower of his wife, or for some greater estate either in law or equity, in any lands or tenements in this island, of not less than the annual value of twenty-five pounds, and whether such lands or tenements be in the occupation of such person, or rented or leased out, provided the rent reserved be not less than twenty-five pounds, and that the renting or leasing out be a bonâ fide renting or leasing out, and the person claiming to be qualified in respect thereof be entitled to the said rent for his own use and benefit ; and every such male subject as aforesaid, who or whose wife shall be entitled to the rents and profits issuing out of any lands or tenements in this island to the amount of twenty-five pounds and upwards; and every such male

Qualification.

subject as aforesaid who shall be entitled either as lessee or assignee to any lands or tenements whether of freehold or any other tenure whatever for the unexpired residue whatsoever it may be of any term originally created for a period of not less than five years, and the yearly rent reserved under any such lease or leases shall be not less than one hundred and twenty-eight pounds; and every such male subject as aforesaid who shall occupy within any of the towns of this Island any house, warehouse store, counting-house, shop, or other buildings, being either separately or jointly occupied with any land within such town, and parochially rated at not less than sixty four pounds rent per annum; and every such male subject as aforesaid who shall for two years next preceding have paid taxes assessed by the vestry to the parish to the amount of not less than six pounds five shillings per annum, shall be entitled to be elected a vestryman to serve for the parish in which his qualification lies; provided that every such person shall be a registered voter for the property in respect of which he claims his qualification for such a period as would entitle him to vote at an election of assemblymen; and he shall if required answer such questions on oath respecting his qualification, as any voter at an election of assemblymen may be required to answer, provided such question or questions shall be put to him within one hour after his name shall be placed on the poll as a candidate; and no person not so qualified shall be entitled to be elected a member of the vestry for any parish in this island.

8. No person shall be eligible for election as a vestryman of any parish from which he shall at the time of such election be receiving any pay or emolument other than the pay or emolument he may be receiving as a member of the board of guardians.

Disqualification on account of receipt of pay from vestry except &c.

9. (1) If any person being a member of the vestry of any parish shall directly or indirectly himself or by any other person whomsoever in trust for him or for his use or benefit or on his account enter into, undertake or execute in the whole or in part any contract or agreement with the vestry of which he is a member for supplying goods for the use of the parish, or for erecting or repairing any building of the parish, the seat of such person in the vestry shall be and is hereby declared to be void, and such contract shall also be void; provided always that nothing herein contained shall extend or be construed to extend to any contract or agreement made or entered into by any incorporated trading company in its corporate capacity nor to any company now existing or established and consisting of more than ten persons where such contract or agreement shall be made or entered into for the general benefit of such incorporation or company.

Disqualification by reason of entering into a contract with vestry.

(2) If any person whose seat in the vestry is hereby declared to be void shall presume to sit or vote as a member of such vestry, such person so sitting and voting shall be liable to a penalty not exceeding fifty pounds for every day in which he shall sit or vote in such vestry.

Penalty for sitting or voting when disqualified as aforesaid.

(3) In case any person or persons who shall enter into any contract or agreement with the vestry of any parish shall admit

Penalty for allowing a member of vestry to partici-

pate in a vestry contract.

any member or members of such vestry to any part or share thereof or to receive any benefit thereby, all and every such person or persons shall for every such offence be liable to a penalty not exceeding fifty pounds.

No person having a contract with vestry eligible.

(4) Any person who shall directly or indirectly by himself or by any other person in trust for him or on his account have entered into any contract or agreement with the vestry of any parish shall be incapable of being elected or of sitting or of voting as a member of such vestry during the time that he shall execute hold or enjoy any such contract or agreement or any part or share thereof or benefit or emolument arising from the same.

Leave of absence.

10. The vestry of any parish may from time to time in their discretion grant leave of absence to any member of their body for any period that they may be willing to grant, and may from time to time extend such leave for such additional period as they may think fit.

Resignation of seat.

11. Any person elected a member of vestry may either before or after taking his seat withdraw from the vestry by signing and addressing a letter to the chairman for the time being, signifying that he is desirous of withdrawing from the vestry, and if the chairman is satisfied as to the authenticity of the letter purporting to come from such person, he shall within seven days convene a meeting of the vestry, giving due notice to each member of the cause thereof, and at such meeting the letter shall be read and recorded on the minutes and upon this being done, the seat shall be declared vacant.

Provision for holding elections in case

12. If any member of any vestry shall die or vacate his seat or retire from office in

the manner mentioned in the last preceding section or shall be absent from the island for a period of forty days at any one time, without having obtained leave of absence, the Parochial Treasurer shall without delay give notice of the holding of an election in a similar manner as he is required to do in section seventeen of this Act, and, the parishioners duly qualified to vote at any election of vestrymen for the parish where such death, vacating, retirement or absence from the island without leave shall take place, shall on the second Monday following such death, vacating, retirement or absence of forty days from the island without leave as aforesaid, repair to the place provided by law for the holding of elections of vestrymen for such parish and elect a duly qualified person to serve in the place of the member who shall have died, vacated his seat or retired or have been absent from the island without leave for the period aforesaid, and such election shall be determined in the same manner as in this Act hereinafter mentioned, and in case a poll shall be required for the determination thereof such poll shall be taken on the Monday then next following, and the same course shall be pursued and observed in all respects for filling up the place of any member of vestry who shall have died, vacated his seat, or retired, or have been absent from the island without leave for the period aforesaid as is required to be pursued and observed concerning elections of vestrymen on the first Monday in January in every year or subsequently to such Monday, or as near thereto as circumstances will admit.

members die, or vacate their seats, or are absent for more than 40 days without leave.

Election of members.

Qualification of voters for election of vestrymen.

13. Every person entitled to vote for the time being at any election of members for any parish (other than the parish of Saint Michael) to serve in the General Assembly, shall be qualified to vote at any election of members to serve in the vestry for the same parish in respect of which he is entitled to vote at any election of members to serve in the General Assembly; and every person entitled to vote for the time being at any election of members either for the rural portion of the parish of Saint Michael or for the City of Bridgetown to serve in the General Assembly shall be qualified to vote at any election of members to serve in the vestry for the parish of Saint Michael.

Provision for voters in the city or S. Michael whose votes depend on residence re-registering on a change of residence from city to parish or vice versa.

14. (1) Any registered voters for the City of Bridgetown, or for the rural part of the parish of Saint Michael, whose qualifications depend on residence in the district in which they had registered as voters, may, within one month after changing their residence from the City to the rural or from the rural to the City, register their claims as voters at vestry elections at the office of the registering officer of the district into which they have come to reside, in the manner prescribed by law.

(2) Such registering officer is hereby required, without delay, to register such claims in the manner prescribed by law, and to transmit such register, to be called a Supplementary Register for Vestry Elections to the Revising Barrister.

(3) The Revising Barrister shall on the receipt of such Supplementary Register for Vestry Elections without delay, revise, and transmit it to the Colonial Secretary. Any

erasures in the then existing revised lists that may be rendered necessary by reason of such Supplementary Register, may be made by the Revising Barrister.

(4) The Supplementary Registers for Vestry Elections when they shall have been revised and transmitted to the Colonial Secretary, shall be subject to all the conditions so far as vestry elections are concerned that the registers to which they may be respectively supplementary are subject, and shall be used at vestry elections only.

(5) These provisions shall not affect or be deemed to apply to elections of members of the House of Assembly; on the contrary any person qualified to vote at an election of members for the city of Bridgetown, or for the rural part of the parish of Saint Michael, whose qualification depends on residence, shall on changing his residence from the city to the rural, or vice versa be subject to the same dis-qualifications as heretofore.

15. The Colonial Secretary shall before the holding of any election for vestrymen furnish the parochial treasurer of each parish with a certified copy of the last lists which shall have been taken of the electors appearing on such lists as being entitled to vote for every such parish for which any such election for vestrymen shall be about to be held; and in the event of the office of parochial treasurer of any parish being vacant, the Colonial Secretary shall furnish the churchwarden of such parish with such lists and if there shall be no churchwarden of such parish, the Colonial Secretary shall furnish the elector of such parish who shall first apply to him with such lists, and every

The Colonial Secretary to supply voter's lists for use at elections.

such parochial treasurer, churchwarden or elector so furnished with such lists shall lay or cause the same to be laid before the sheriff at the election of vestrymen for the parish for which he shall be parochial treasurer, churchwarden, or elector when and so soon as the person to act as sheriff shall be duly sworn to act as such.

If the person to whom such list is supplied tampers with it, liable to a penalty.

16. If any parochial treasurer, churchwarden or elector who may be furnished with such lists as are mentioned in the last preceding section shall add to, alter, strike out, falsify, erase or deface any such list, or shall decline or refuse or wilfully neglect to lay or cause to be laid such lists before the sheriff at any election to which such lists relate, he shall be subject to a penalty not exceeding fifty pounds to be recovered on the complaint of any elector before any police magistrate in a summary manner, one half to be paid to such elector and the other half to the clerk of the vestry of the parish to be by the latter paid to the parochial treasurer of the parish for the use of the parish.

Place where elections shall be held.

17. All elections of members to serve in the vestries of the several parishes shall be held in such convenient place within each parish as the parochial treasurer for the time being shall provide; and in case there shall not be a proper parochial building suitable for holding an election then the parochial treasurer shall have power to hire a convenient house within the parish for the purpose aforesaid, and shall charge and be allowed the cost thereof in his account with the said parish; and the said parochial treasurer shall twenty days at the least before the holding of the election give a writ-

ten or printed notice of the place appointed for that purpose by affixing the same on or near to the doors of all the churches, chapels and licensed places of worship within such parish, and also by publishing the same in two newspapers of the Island. And any parochial treasurer who shall neglect his duty in any of the particulars aforesaid shall forfeit a sum not exceeding one hundred pounds.

18. The parishioners in every parish duly qualified to vote for vestrymen, shall on the first Monday in January in every year repair to the place provided for the holding of elections of vestrymen for such parish; the senior justice of the peace present shall sit as sheriff, and if no justice of the peace be present, or if he shall decline or refuse or from any cause whatever be unable to act as sheriff at any such election, the electors then present or a majority of them may appoint any elector present who may be willing to discharge the duties of sheriff to act as sheriff at such election, and such election shall begin between the hours of ten and eleven o'clock in the morning, and the said sheriff before commencing his duties shall take the following oath before any justice of the peace or elector present, who is hereby empowered and required to administer the same, namely;

"I, A.B. do swear that I will discharge the duties of sheriff at the election of vestrymen for the parish of _____ fairly and impartially, without favour or affection, malice, or hatred, and according to the best of my judgment. So help me God."

19. Within one hour after the beginning of any election in manner aforesaid, the name of every candidate shall be proposed

General election of vestrymen, when to take place, who to act as sheriff &c.

Proposal of candidates' names.

by an elector having a right to vote; and if within such hour any candidate or the person proposing him shall be required to do so by any two electors having a right to vote, such candidate or his proposer (as the case may be) shall declare on oath or affirmation the nature and particulars of the candidate's qualifications and shall make such declaration in the form following namely:—

“ I, A. B. do swear or affirm (as the case may be) that (am or is) truly and “ *bona fide* qualified to be elected as a vestryman for the parish of and
“ that the nature and particulars of (my or
“ his) qualifications are as follows:—

“ So help me God.”

“ (Signed) A. B.”

and the oath or affirmation shall be administered by the sheriff and the declaration made within two hours after the beginning of the election.

In what case a
poll to be taken.

20. If at the expiration of one hour after the beginning of any election in manner aforesaid, no more candidates stand proposed than there are vacancies to be filled up, the sheriff shall forthwith declare the candidates who may stand proposed, to be elected, but if at the expiration of such hour more candidates stand proposed than there are vacancies to be filled up the sheriff shall adjourn the election and shall take a poll in manner in this Act mentioned; provided always that when rendered necessary by the administration of oaths or affirmations to candidates or their proposers as provided by the last preceding section, the sheriff shall remain for such time as may be necessary for the administration of such oaths or affirmations.

21. In case of a poll being required as last aforesaid the same shall be opened on the Monday following the Monday on which the candidates have been proposed, at the place provided by law for the purpose between the hours of eight and nine o'clock in the morning, and the polling shall continue until four o'clock in the afternoon of the same day, and no poll shall be kept open later than four o'clock in the afternoon or commence before eight o'clock in the morning. Provided always that with the consent of the candidates present and in the absence of any candidate, of the elector who proposed him, it shall be lawful for the sheriff to close the poll previous to the time fixed for that purpose.

When poll is to be opened, and how long it is to be kept open.

22. Upon all elections of members to serve in the several vestries where a poll shall be taken the sheriff shall set down on each ballot paper the names of each of the candidates, and no person's name shall be so set down except such as have been duly proposed on the Monday previous to the commencement of the polling, and whose qualification shall have been duly sworn to, if required, as hereinbefore mentioned.

How poll is to be taken.

23. No enquiry shall be permitted at the time of polling as to the right of any person to vote except as hereinafter provided, that is to say; the sheriff shall if required on behalf of any candidate put to any voter at the time of his tendering his vote, and not afterwards, the questions following or any of them and no other;

What enquiries may be made at the time of polling, and grounds for rejecting vote.

1. Are you the same person whose name appears as A.B. on the register of voters now in force for the parish of ?

2. Have you already voted at this election for the parish of _____ ?
3. Have you the same qualification for which your name was originally inserted in the register of voters now in force for the parish of _____ ?

(specifying in each case the particulars of the qualification as described in the register)

and if any person shall wilfully make a false answer to any of the questions aforesaid, he shall be subject to a penalty not exceeding fifty pounds to be recovered in a summary manner on the complaint of any elector before any police magistrate, one half to be paid to the informer, and the other half to the parochial treasurer of the parish for the use of the parish, and the sheriff shall (if required on behalf of any candidate at the time aforesaid) administer an oath (or in case of a Quaker or Moravian or other person objecting to an oath, an affirmation) to any voter in the following form, that is to say ;

“ You do swear (or being a Quaker
 “ or Moravian, or other person ob-
 “ jecting to an oath, do affirm) that
 “ you are the same person whose
 “ name appears as A.B. in the regis-
 “ ter of voters now in force for the
 “ parish of _____ and
 “ that you have not before voted at
 “ the present election for the parish
 “ of _____ and that
 “ you have the same qualification
 “ for which your name was originally
 “ inserted in the register of voters
 “ now in force for the parish of _____ ”;

and no elector shall hereafter at any such election be required to take any other oath or affirmation except as aforesaid either in proof of his freehold, age, or other qualification or right to vote; and no person claiming to vote at any such election shall be excluded from voting thereat except by reason of its appearing to the sheriff upon putting such questions as aforesaid, or any of them, that the person so claiming to vote is not the same person whose name appears on such register as aforesaid, or that he has previously voted at the same election, or that he has not the same qualification for which his name was inserted in such register or except by reason of such person refusing to answer the said questions or either of them, or to take the said oath or make the said affirmation.

24. At the close of every election, and before the person acting as sheriff shall depart from the place of election, the candidates who shall have the majority of votes shall be publicly declared by the person acting as sheriff to be duly chosen vestrymen for such parish and the names of any candidates having an equal number of votes shall also be publicly declared by the sheriff and if a complete vestry has been returned the names of the persons so chosen vestrymen shall within three days after such election be returned by the person acting as sheriff to the rector of the parish, or in the absence of the rector to the churchwarden of the parish in which such election shall be held for the time being, and such return shall be in the following form:—

At close of election, sheriff to declare who have been elected, and to make return.

"Return of persons elected as vestrymen
"for the parish of this

“ day of
 “ A.B. of
 “ C.D. of
 “ &c., &c., &c.,
 “ (signed) E.F.

Sheriff.”

But it shall not be in the power of such person to make any special return of such election unless it shall happen that a complete vestry has not been returned owing to any of the candidates having an equal number of votes, in which case he shall within the like period make a return in the following form :

“ Return of persons elected as vestrymen
 “ for the parish of
 „ this day of
 “ A.B. of
 “ C.D. of

&c., &c., &c.,

“ The following had an equal number of
 “ votes :—

“ W.X of
 “ Y.Z of

&c., &c.,

“ (Signed) E. F.

“ Sheriff.”

Upon any return he shall make and subscribe the following declaration before such rector or churchwarden, namely ;

“ I, E.F., do declare that according to
 “ my skill and judgment the return by
 “ me now made upon the election of vestrymen for the parish of
 “ is according to the law of election now
 “ in force, and without favour or affection
 “ hatred, malice, or ill-will to any person,
 “ whomsoever ” ;

and if any person who shall have acted as sheriff at any election of vestrymen within the meaning of this Act shall refuse to make and subscribe such declaration, the person so offending shall forfeit and pay a sum not exceeding twenty-five pounds to be recovered in a summary manner on the complaint of any elector before any police magistrate, half to be paid to such elector, and the other half to be paid to the parochial treasurer of the parish for the use of the parish.

25. The sheriffs at all elections of vestrymen shall have and possess all the like powers and authorities for conducting such elections as the sheriffs acting at the election of members for the General Assembly have or possess. Power and authority of sheriff.

26. If the parishioners in any parish duly qualified to vote for vestrymen shall fail to meet at the time and place aforesaid for the purpose aforesaid, or if on any such meeting the names of ten persons in respect of the parishes of Saint Michael, Christ Church and Saint Philip, and of six persons in respect of the said other parishes duly qualified to serve the office of vestrymen for the parish in which such meeting shall be held, shall not be put on the poll as candidates, within one hour after the poll has been opened, or a sufficient vestry shall not be elected and returned, it shall be lawful for such parishioners as aforesaid to meet at such places as aforesaid, on the Monday then next following the second Monday in the month of January in any year, and so successively on every Monday following until a sufficient number of persons duly qualified to serve as vestrymen for one year for such parish On failure to elect a vestry, electors to continue meeting until election is made.

or parishes, shall have been elected and returned, or in the event of a special return having been made it shall be lawful for such parishioners to meet at such places aforesaid on the Monday then next following the date of the making of such return and the names of the candidates having an equality of votes shall then be placed on the poll and a poll shall be taken between them in the usual manner in all respects as hereinbefore provided.

Controverting elections.

Controverted elections to be determined by chief justice.

27. Whenever any controversy shall arise concerning the election of any vestryman elected under the provisions of this Act the same shall be determined by the Chief Judge of this island in open court, upon petition or petitions to be lodged with the clerk of the court of common pleas within three days next after such election, by the person controverting any such election, who shall prosecute the same within such time or times as the Chief Judge shall appoint, and failing so to do his petition shall be dismissed. And in every case where such election shall be by the Chief Judge declared void it shall be lawful for the parishioners duly qualified to vote at any election of vestrymen to assemble at the place by law appointed for the purpose of perfecting the election of a vestry for the parish in which such controversy shall have arisen on the second Monday following such decision, and so successively every Monday ensuing until a sufficient number of persons duly qualified to serve as vestrymen for such parish shall be duly elected and re-

turned, and such persons so elected shall then have full power and authority to arrange and transact all affairs of the said parish in the same manner and to the same extent as can duly qualified vestrymen in any other parish of the Island.

28. Every petition controverting any election of vestrymen shall be signed by a candidate or by three parishioners being electors, and the party or parties so objecting and the party or parties so objected to, shall in person or by counsel be heard, and such petition and issue therein involved, examined, concluded and determined by the Chief Judge, who shall have power to order and adjudge any costs connected with such petition to be paid in such manner as he shall deem just and reasonable, such costs to be in accordance with the docket of fees for the time being in force in the court of common pleas of this island, and to be taxed and recovered in the same manner as costs are taxed and recovered in such court.

Who to sign petition.

Vestry clerks.

29. The collectors of rates and parochial treasurers shall also, except in cases otherwise provided for by law, discharge the duties of vestry clerks and shall attend all meetings of the vestries, and keep minutes of their proceedings in a fair and legible hand and shall receive for their salaries as vestry clerks such sum as the vestry shall deem fit. Provided always that the collector of rates and parochial treasurer of the said parish of Saint Michael shall be and he is hereby relieved of the duties as vestry clerk of the said parish, and the said

Parochial Treasurer except in S. Michael to act as vestry clerk.

vestry of the said parish, shall from time to time as they may think fit appoint some fit and proper person to be their clerk to attend their meetings and take and keep the minutes of their proceedings, and to do and perform such other acts and things as shall be required of him. And they shall pay him out of the parochial funds such salary as they shall think fit.

Sue and be sued
in name of clerk. 30. The vestries may sue and be sued in the name of their clerk.

Minutes to be kept
open to inspection. 31. The vestry of every parish shall cause to be provided and kept a proper book or books, and proper entries to be made therein of the names of the several vestrymen who shall attend the respective meetings of the vestry, and of all orders and proceedings made or taken at such meetings, and all such books shall at all reasonable times be open to the inspection of the said vestrymen or any elector, or any person rated or assessed in the said parish, without fee or reward; and the said vestrymen or other persons, or any of them shall, and may take copies of, or extracts from, such books respectively without paying anything for the same; and in case the clerk to the said vestry, or other person having the care of such books shall refuse to permit, or shall not permit the said vestrymen or such persons as aforesaid to inspect the same, or to take such copies or extracts as aforesaid, such clerk or other person shall forfeit and pay any sum of money not exceeding two pounds for every such offence.

Account books to
be kept open to in-
spection. 32. The said vestry shall, and they are hereby required to cause a book or books to be provided and kept, and true and regular accounts to be entered therein of all sums

of money received and disbursed for or on account of parochial purposes, and of the several articles, matters, and things for which such sums of money shall have been so received and disbursed; which book or books shall, at all reasonable times, be open to the inspection of the said vestrymen or any elector, or any person or persons rated in the said parish, without fee or reward; and the said vestrymen or persons aforesaid or any of them shall, and may take copies of, or extracts from, the said book or books or any part or parts thereof, without paying anything for the same; and in case the clerk of the said vestry or other person with whom such book or books shall remain, shall on any reasonable demand refuse to permit, or shall not permit the said vestrymen, persons, or electors or any of them, to inspect the said book or books or to take such copies or extracts as aforesaid, such clerk or other person as aforesaid shall forfeit and pay any sum not exceeding two pounds for every such offence.

Parochial treasurers.

33. The vestry of each parish shall be and they are hereby authorized and required to nominate and appoint from time to time, when occasion shall require, to the office of collector of rates and parochial treasurer for each parish, some fit and proper person, not being a member of vestry of the same parish, to be approved by the Governor-in-Executive Committee, and the person so appointed to the said office shall hold the same during good behaviour, and shall receive, collect, and raise all rates

Appointment of
parochial treasurer.

made and assessed by such vestry, under the authority of this Act, and shall pay all orders of the said vestry ; and he shall once in every six months or oftener if called upon by the vestry for that purpose, account to such vestry for all sums received by him in such office as aforesaid ; and such collector of rates and parochial treasurer for the parish of Saint Michael, shall before entering upon his office, become bound by an obligation in writing, to our Sovereign Lady Queen Victoria, her heirs and successors, himself in the sum of one thousand pounds, with two sufficient securities to be approved by the said vestry, in the sum of five hundred pounds like sterling money each ; and the collectors of rates and parochial treasurers for the other parishes of the island shall become bound in like manner respectively, in the sum of two hundred and fifty pounds each, with two sufficient securities to be approved by the vestry making the appointment, in the sum of one hundred and twenty five pounds each. And the condition of the said bonds shall be that the said collectors of rates and parochial treasurers shall duly account with their respective vestries for all sums received by them when and as often as they be required ; and the said bonds shall be lodged with the Colonial Treasurer for the time being, and remain so long as the parties named therein as collectors of rates and parochial treasurers shall be in charge of the duties of the said offices and until the same shall be discharged in due course of law : and in case of any breach in the condition of any of the said bonds, the said Colonial Treasurer shall forthwith put the

same in force against any such collector of rates and parochial treasurer so making default, and his securities, and pay the amount when recovered to the parish to which such collector of rates and parochial treasurer was a defaulter; and the said collectors of rates and parochial treasurers shall be liable to be removed by the Governor-in-Executive Committee for the time being, for breach of duty or other misconduct and any vacancy which may happen by the removal, death, absence from the island or incapacity of any collector of rates or parochial treasurer, shall be filled up from time to time by the vestry of the parish in which the vacancy shall occur, by the nomination of some other person, not being a member of the same vestry; such nomination to be approved as aforesaid by the Governor-in-Executive Committee. Provided always that no person appointed collector of rates and parochial treasurer under the authority of this Act, shall, whilst he holds the office be eligible to be elected or to serve as a member of the General Assembly: and provided also that the vestry of any parish shall not be prevented from recovering over and above the amount of such bonds as aforesaid by any action of debt or otherwise any sums which may have been collected by or recovered by any of the collectors of rates or parochial treasurers.

Disqualified to sit
in the House of
Assembly.

34. When any of the sureties to any bond given as required by the preceding section on behalf of any parochial treasurer shall be desirous of withdrawing therefrom, or shall die, it shall be lawful for such person so desiring to retire from such

Sureties dying or
choosing to with-
draw.

suretyship as aforesaid, or for the executors or administrators of any surety dying, to call upon the vestry of the parish employing such parochial treasurer, for whom such suretyship shall have been given, to examine and close the accounts of such parochial treasurer within three months after notice given to the chairman of any such vestry, in writing, or addressed and sent to him through the post office as a registered letter from any of the parties hereinbefore mentioned, declaring their desire to withdraw from such suretyship. And upon the receipt of such notice the vestry of any parish as aforesaid shall cause the accounts of their parochial treasurer to be audited and a balance struck, and any sum which may appear by such reckoning to be due by such parochial treasurer to the parish for which he shall be such parochial treasurer shall be produced by him to such vestry who shall cause the same to be deposited to the credit of such vestry in the Colonial Bank, to be withdrawn and returned to such parochial treasurer upon his producing another good and approved surety, and upon the execution of a bond by such surety on behalf of such parochial treasurer as required and conditioned by this Act. And upon such accounting by such parochial treasurer with such vestry as aforesaid, and upon his paying up any balance which may thereupon appear to be due to such vestry or in default of payment by such parochial treasurer of any such balance so due as aforesaid, and upon payment of the same by any surety desirous of retiring from such suretyship, the bond given by such surety shall be cancelled in so far as

the liability of such retiring or deceased surety is concerned, and thenceforward such surety or the executors or administrators of such surety, and the estates and effects of such sureties shall be for ever freed and discharged from any liability on behalf of any such suretyship or bond.

35. In every case in which any parochial treasurer of any parish shall die or be removed from, or cease to hold his office, all books, documents and papers in his possession as such parochial treasurer, or which shall come into the possession of his representatives, shall be given up as soon as conveniently may be to his successor in office upon the same being demanded by such successor or by the chairmain or churchwarden of the vestry of such parish. If any person shall refuse to give up any such book, document or paper, in such case as aforesaid, it shall be lawful for the Governor-in-Executive Committee to authorize a summary information to be made for that purpose before the police magistrate of the parish of which such person was a parochial treasurer who shall thereupon be authorized to summon such person, or to issue a warrant for bringing such person before such magistrate, and upon such person not appearing or not being found, it shall be lawful for the magistrate to hear and determine the matter in a summary way ; and if it shall appear to him that any such book, document, or paper is in the custody or power of any such person, and that he has refused or wilfully neglected to deliver the same the magistrate is hereby authorized and required to commit such person to prison there to remain without bail, until he shall have de-

Provisions relating to documents in case of death &c., of parochial treasurer.

livered up the same or until satisfaction has been given in respect thereof to the person in whose custody the same ought to be, and the said magistrate may grant a warrant to search for such books, documents, or other papers, as in the case of stolen goods, in any dwelling house or other premises in which any credible witness shall prove on oath before him that there is reasonable cause to suspect the same to be, and the same when found shall be delivered to the person in whose custody they ought to be.

Parochial treasurer to keep an account at colonial bank. 36. The parochial treasurer of every parish shall, on the fifteenth day of every month pay into the Colonial Bank to his credit as parochial treasurer, all sums of money collected by him, and then remaining in his hands. And the parochial treasurer shall keep a pass-book with the bank, showing his deposits and drafts, and such book shall be one of the books of the parish; and in the case of the death, resignation, or dismissal from office of any parochial treasurer, the balance, if any, then remaining in the bank to his credit shall, on the certificate of the chairman of the vestry or churchwarden of the parish, addressed to the manager of the bank, of such death, resignation, or dismissal from office, and appointment of his successor, be transferred by the bank to his successor in office.

Remuneration 37. The collectors of rates and parochial treasurers for the several parishes shall receive and be entitled to the sum of six pounds for every hundred pounds of rates or taxes collected by them for the use of their respective parishes.

Leave of absence. 38. The vestry of any parish may from time to time grant leave of absence to the

parochial treasurer of such parish for any period that they may be willing to grant, and may from time to time extend such leave for such additional period as they may think fit.

39. Whenever any leave of absence shall be granted to any parochial treasurer he shall nominate some fit and proper person to be approved of by the vestry to act in his place and stead. *and nomination of locum tenens.*

40. Any leave of absence or extended leave of absence granted to any parochial treasurer, and the appointment of the person who shall be nominated and appointed to act in the place and stead of such parochial treasurer shall be subject to the approval of the Governor-in-Executive Committee. *Leave of absence and nomination to be approved by executive committee.*

41. The person appointed to act in the place and stead of the parochial treasurer to whom any leave shall be granted shall before entering upon his duties become bound by an obligation in writing of the same kind to the same amount, and with suitable sureties as the parochial treasurer in whose place and stead he shall be appointed to act, and he shall perform the like duties, and have the same powers and be subject to the like conditions, restrictions and proceedings in all respects as such parochial treasurer. *Locum tenens to enter into bond.*

Auditors.

42. (1) At the first meeting of the vestry in the year one thousand eight hundred and ninety two and, whenever afterwards a vacancy in the office occurs, some fit and proper person shall be appointed for each parish to audit the accounts of the same and he shall send in to the vestry clerk some *Auditors to hold office for life and to be nominated by vestry and approved by Executive Committee.*

time in the month of March in every year the accounts made out in the form and duly authenticated as hereinafter mentioned. Such auditor shall be nominated by the vestry and approved of by the Governor-in-Executive Committee in the same manner in which the parochial treasurer of each parish is now nominated and approved of, and such officer shall hold the appointment for life subject to the liability of dismissal for incapacity, non-performance or inefficient performance of his duties, or other misconduct, and such officer shall be dismissed in the same manner in which parochial treasurers are now dismissed.

(2) The salary to be attached to the office of auditor in any parish shall be fixed by the vestry thereof on making the appointment of auditor mentioned in the last preceding section of this Act.

43. Every auditor shall have free access to the books of the parish, for which he shall have been appointed auditor, whenever he may deem it necessary; and if the parochial treasurer refuses to give such auditor access to the books as aforesaid, he shall forfeit a sum not exceeding fifty pounds.

Churchwardens.

Appointment of
churchwardens.

44. The vestry of every parish shall on the twenty fifth day of March in every year or at the first meeting afterwards, which shall always be within twenty-one days next following, make choice of and appoint one of their number to be churchwarden of the parish for the then present year, to continue in the said office until another appointment of churchwarden is made, and

no longer ; and shall within ten days after such appointment cause notice to be given to the person so elected either personally or by a note in writing, to be left at his usual place of abode, of his being so chosen, and the person so chosen shall discharge such duties as strictly appertain to the office of churchwarden at common law ; but no percentage shall be allowed to such churchwarden for the collection of any moneys for the use of the parish, any law, custom or usage to the contrary notwithstanding.

45. Whenever it shall happen that the churchwarden of any parish shall die, leave the Island without leave, become incapable to execute the said office, obtain leave, or cease to be a vestryman before the expiration of the time for which he was appointed churchwarden, or whenever it shall appear to the vestry convenient or proper to remove or displace the churchwarden and appoint another person churchwarden in his place before the expiration of the time for which the churchwarden was so elected, then and in every such case, and as often as the same shall occur, the vestry of the said parish shall forthwith meet and dismiss (if necessary) and also choose another member of their vestry to be churchwarden until another appointment of churchwarden is made in due course. And such person so to be chosen churchwarden shall have, exercise, and enjoy all and every the powers and authorities, in as full and ample a manner and form, as the person might or could exercise or enjoy, in whose stead he is elected had such person continued in the said office.

Appointment in case of death, dismissal &c. before expiration of year.

Chapels.

Proceedings when vestry wishes to assume control of any chapel.

46. The vestry of any parish that shall be desirous of taking under their control any chapel or chapels in such parish, shall notify the same to the Governor-in-Executive Committee by petition, and thereupon the Governor-in-Executive Committee shall cause a notice to be inserted in the Official Gazette, setting forth such petition, declaring that the chapel or chapels mentioned in such petition shall be under the control of the vestry so petitioning ; and from and after the publication of such notice three times, such chapel or chapels shall be under the control of the vestry of such parish, which shall have power and authority to lay rates for the support, maintenance, and repair of such chapel or chapels ; provided always that the vestry of any parish in taking any such chapel under their control, shall at the same time take over, assume and liquidate any debt or debts, bonds or obligations, due and owing by any committee of any such chapel on behalf of such chapel.

Burial Grounds.

Extension of burial grounds.

47. Whenever it shall be deemed advisable by the vestry of any parish to provide additional burial grounds, such vestry shall procure such grounds by purchase or otherwise, in such localities as shall be best adapted for the purpose, and have each burial ground enclosed, and erect or otherwise provide proper reception-houses on or near such grounds, in which to perform the funeral service, and defray the cost of such additional burial grounds and reception houses out of the parochial funds, and, if,

necessary lay special rates for the purpose which shall be assessed, levied, and raised in the same manner as the general rates of the parish, and the said vestries are hereby authorised to make rules and regulations for the sale of land, burial-grounds, and for the burial of the dead therein and in connection with the erection of monuments and fees to be paid thereon, and all moneys received on the sale of such burial grounds, and such fees shall be paid to the parochial treasurer for the use of the parish ; provided that nothing herein contained shall be construed to interfere with the powers vested in the Board of Health, or with the obligations imposed on vestries in respect of burial-grounds by "The Public Health Act, 1891", or in the provisions of The Westbury Cemetery Act, 1891.

Contracts for water.

48. The vestries of the several parishes of the island shall from time to time make contracts for supplying the poor of the parish with good and wholesome water, and such contracts when entered into shall be binding on the successive vestries of the said parishes, and it is hereby made compulsory on the said vestries to lay a rate in the usual manner for the purpose of complying with and carrying out such contract or contracts : provided always that no such contract shall be made for a longer period than ten years.

Publication of revenue and expenditure.

49. In the month of June in every year the several vestries of the island shall publish annually in June

abstract of revenue and expenditure. lish in the Official Gazette of the island for the information of the taxpayers, accounts of the money raised and expended during the preceding parochial year, (that is to the twenty-fifth day of March in each year), in the form in the schedule A to this Act annexed, and such accounts shall be signed by the parochial treasurer of the parish and duly authenticated by the auditor of the parish.

Parochial registers.

Safe keeping of parochial registers. 50. The vestries of the several parishes are hereby empowered, directed and required to provide at the expense of their respective parishes with as little delay as possible an iron safe for each of their parish churches, for the secure and proper keeping of the registers of the several parishes of this island, and to have the same put into some fit and proper place in their respective parish churches.

Parochial rates.

Laying of rates, ratable objects, and purposes for which rates levied. 51. (1.) It shall be the duty of the several vestries on the twenty-fifth day of March in each year, or at some meeting afterwards which shall be held within twenty-one days next following, to provide for the repair and maintenance of the churches in their respective parishes, the salaries of the necessary church officers, the maintenance and education of the poor and such other necessary parochial charges as are usually borne by the parishioners and allowed by law; and for these purposes it shall be lawful for the vestries respectively to make and set rates upon all owners of land, houses or stores (whether such houses or stores be realty or personalty) and upon all occupiers, not being owners, of

land, houses or stores (whether such house, or stores be realty or personalty) in respect of such ownership or occupancy, on persons inhabitants, and others carrying on trade, in respect of their stock-in-trade and other visible personal property yielding profit in the parish, and on all bankers, brokers, commission merchants, life assurance and fire insurance companies, agents, persons carrying on the business of money lenders, discounters, and all traders in their respective parishes in respect of the profits derived from such their business as bankers, brokers, commission merchants, life assurance and fire insurance companies, agents, money lenders, discounters or other traders as aforesaid ; and in respect of land such rate may be by the acreage or by the annual value thereof, as the vestry shall think proper. But where persons are possessed both of lands and a house or houses thereon attached, the tax aforesaid shall not be laid on both the lands and the house or houses, but such tax shall be laid either on the lands or on the house or houses thereon, whichever shall afford the largest amount of tax, anything hereinbefore contained to the contrary notwithstanding. Provided always that persons living on estates and employed thereon as agricultural servants, or persons owning chattel houses or stores of less than the annual value of ten pounds or persons not being owners occupying lands or houses of less than the annual value of ten pounds shall not be rated, but all such persons shall be exempt from liability in respect of all such occupancy rates.

Owners or occupants to return to parochial treasurer quantity of land owned or occupied.

(2.) Every person who on the first day of January in any year shall be the owner or occupier, of any land liable to be assessed shall sometime in such month give in or cause to be given in to the parochial treasurer for the time being of the parish entitled to such tax, the quantity of such land owned or occupied by him, and in default thereof such person shall be liable to a penalty not exceeding ten pounds to be recovered in a summary manner; provided always that where the parochial treasurer of a parish shall also be the clerk of the highways Commissioners of the said parish, any return of lands made under the provisions of "The Highways Act 1891" shall be deemed to be a return under this section.

Rate for support of chapels, for rent of curates houses, & repair of rectory, and parochial property.

52. It shall be lawful for the vestries of the several parishes if they deem it expedient to lay a rate at the time and in manner provided in the last preceding section of this Act, for the purpose of aiding and assisting in the support and maintenance of any parochial chapel, although such chapel may not have been taken under their control, and also for the purpose of paying the rent of a house or houses for the vicars or curates of the several chapels in their parish, or for repairing the rectory and vicar's, or curate's houses, or for repairing any other buildings which may be the property of the parish.

Grants-in-aid to dissenters.

53. The vestry in each parish may, at the laying of the rates under the provisions of this Act, provide for and make grants-in-aid so far as it may appear to them necessary or expedient to do so, to religious bodies of all denominations therein, for the

repair of their places of worship provided always that no such grant-in-aid shall in any one year bear a larger proportion to the total amount raised for the repairs of all places of worship in the parish than the amount of parochial taxes paid in that year by the members of the particular denomination in whose favour the grant is being made, bears to the total amount raised for parochial purposes.

54. The vestries of the respective parishes aforesaid, are hereby authorised on the first Monday after their election in each and every year or within ten days after, to appoint any number of persons not being members of their own body, to ascertain the quantity of land and the number of houses liable to be assessed for parish rates and the annual rent of the same, and the names and religious denominations of all persons liable to be rated, and such assessors are hereby required to make out a particular list of all such ratable persons and objects within their respective parishes as by this Act required, and to return the same to the collector of rates and parochial treasurer of their respective parishes for the information of the vestrymen of such parishes, to be used for the purposes of this Act and in the event of the death, resignation or dismissal of any assessor so to be appointed as aforesaid, the vestry shall have power to appoint a successor in his place, at the first meeting next following such death, resignation or dismissal. And the several vestries shall have authority to pay such assessors such reasonable sum or sums as they may deem fit for every such assessment. Provided always that in cases

Appointment of assessors, and assessment roll.

where persons are possessed both of lands and a house or houses thereon attached, the tax aforesaid shall not be assessed on both the lands and the house or houses, but such tax shall be assessed either on the lands or on the house or houses thereon, whichever shall afford the largest amount of tax, anything hereinbefore contained to the contrary notwithstanding

Publication of rates. 55. (1) All rates when made and set as aforesaid, with a list of the ratepayers and the amount of rate due and payable from each respectively, shall be published by being kept by the parochial treasurer at his office for twenty-one successive days and shall during such period be open for the inspection of any person who may demand to read the same.

(2) If the parochial treasurer shall fail to comply with the provisions of the preceding sub-section he shall be liable to a penalty not exceeding one hundred pounds; and any person whose name shall appear thereon as a ratepayer, or his agent, shall be at liberty to object to any such rate by giving notice in writing of his intention to do so to the churchwarden at any time before the expiring of the last day of publication and of the grounds of such objection.

Confirmation of rates.

56. No rates made and set in virtue of this Act shall be lawful until the same shall have received a confirmation by the Governor-in-Executive Committee, and when any notice in writing of an intention to object to any rate shall be given to the churchwarden of any parish in the manner provided by this Act, it shall be the duty of such churchwarden to forthwith inform the Colonial Secretary of the same for the infor-

mation of the Governor-in-Executive Committee, and the rates of the parish in which any such objection shall be so made shall not be confirmed by the Governor-in-Executive Committee until the objection to any such rate shall be determined in the manner in this Act provided.

57. When any exception or objection shall be taken by any person to any rate made and set under this Act, the same shall be stated in a petition to be lodged with the clerk of the court of common pleas, within three days of such person giving notice to the churchwarden, of his intention to object to such rate, and the party so objecting shall in person or by his counsel be heard before, and his objections to the rates examined, concluded, and determined by the Chief Judge of this island, in open court, on such day or days as the Chief Judge may appoint for hearing and determining the same; and if any person does not appear, either personally or by counsel to support his objections on the day or days fixed for hearing the same, his petition shall be dismissed, and it shall be lawful for the Chief Judge to order and adjudge any costs connected with any such petition to be paid in such manner as he shall deem just and reasonable, such costs to be in accordance with the docket of fees for the time being in force in the court of common pleas of this island, and to be taxed and recovered in the same manner as costs are taxed and recovered in such court. Provided always that nothing herein contained shall be construed to prevent the vestry of any parish, either before or after the confirmation of the rates, from relieving any person who may in their judgment have been

Objection to rates to be heard and determined by chief justice.

Chief justice may amend rates or declare the same to have been improperly set.

improperly or excessively taxed, or who from poverty may be unable to pay any rate.

58. Whenever upon the hearing of any such petition, the Chief Judge shall find any rate to have been improperly made and set, he may either amend the rates where simply irregular, or declare the rates to have been improperly made and set, in which latter case fresh rates shall be made and set under the provisions of this Act; but whether the Chief Judge shall amend any such rates or simply declare the rates to have been improperly made and set, he shall forward a certificate of his decision to the Colonial Secretary, who shall bring the same to the notice of the Governor-in-Executive Committee, and the rates of the parish from which such petition shall have been made shall not in case the Chief Judge shall not have amended the rates but simply have declared any rate to have been improperly made and set be confirmed by the Governor-in-Executive Committee until fresh rates shall be laid and published as hereinafter provided.

When rates dis-allowed fresh rates to be laid published, and confirmed.

59. Whenever any rate or rates laid by any of the several vestries of this island, shall be declared to have been improperly made and set by the Chief Judge, and the Chief Judge shall not have amended the same, it shall be lawful for the vestry of the parish of which any rate or rates shall be so declared to have been improperly made or set, to meet within ten days after the Chief Judge shall have given his decision to such effect, and to make and set fresh rates which shall be published in the manner and require the confirmation and be subject to the objections aforesaid.

60. When any one rate laid in any parish shall exceed the sum of five pounds, the person or persons liable in respect of the same, may, if he or they shall think fit to do so, retain a moiety of the rate until the month of November in the year in which the rate is laid, and at any time after the expiration of the said month of November, the parochial treasurers may, without any notice, proceed to recover the retained moiety of the rate.

Where any one rate exceeds £5, moiety may be retained until November.

61. In all cases in which any plantations, houses, lands or properties in this island which are or shall be ratable in respect of parochial taxes, shall be or have been before the passing of this Act levied on by the Provost Marshal under any execution, and in cases of plantations, houses and lands belonging to the estate of an insolvent trader, the amount of any parochial taxes due in respect of any such plantations, houses, lands or properties and all future parochial taxes which may accrue or be laid and become payable in respect thereof during any time such plantations, houses, lands or properties shall remain unsold in the said Provost Marshal's office and Official Assignee's office respectively, shall be a charge on the same prior and preferably to all other liens and demands affecting the same. And when any such plantations, houses, lands, or properties shall be sold by the Provost Marshal or Official Assignee the amount of all such parochial taxes shall be paid out of the purchase money thereof prior and preferably to any mortgages, judgments, executions or other liens against the property so sold; provided always and the Provost Marshal and Official Assignee

All parochial taxes, whether due before or after property attached or passed to official assignee, a prior lien.

shall be and they are hereby respectively authorised from time to time to pay and allow the amount of any such taxes already due and which shall or may accrue due in respect of any plantations, lands, houses or properties remaining unsold out of any moneys now in their hands or which may hereafter come to their hands out of or in respect thereof. In all cases in which plantations have been or shall be placed under the control of the Court of Chancery and no Receiver shall be appointed, all unpaid parochial rates and taxes shall be a first lien on the same until the same shall be paid.

Tenants liable to pay owner's rates, but may deduct from rent.

62. The tenants or occupiers of all houses lands, tenements, or hereditaments, rated by virtue of this Act, are hereby made liable to pay such sums as shall be rated upon such houses, lands, tenements, or hereditaments, and to deduct the amount of the rate in respect of ownership out of the rent agreed to be paid for the same, and the landlord and landlords are hereby required to allow such deduction; provided that it shall not be lawful to levy on the occupiers of houses or lands, tenements, or hereditaments in default made in payment of taxes by owner thereof, until such occupiers thereof shall have had twenty one days notice in writing of such default of payment by such owner: and provided that nothing in this Act contained shall be construed to alter or make void any contract whatever between landlord and tenant, or any other person touching the payment of taxes.

Recovery of rates by distress limitation of time.

63. The collector of rates and parochial treasurer of any parish shall by himself or

some person legally authorised by him, demand all sums due in respect of such taxes of the parties liable for the same, by a written demand left at the place of their last abode or upon the premises charged, or sent through the post office; and if the sum so demanded be not paid within twenty one days it shall and may be lawful for such collector of rates and parochial treasurer to levy the same by distress and sale of the goods of the person making default or on any goods found on the premises, in respect of which any such rate shall have been laid and the overplus, if any, over and above the tax and charges of taking, keeping and selling the distress, shall immediately be paid over to the party entitled to the same; provided, nevertheless, and it shall not be lawful to distrain on the tenants or occupiers of such houses, lands, tenements, hereditaments, and premises for the rate laid in respect of ownership, after the expiration of twelve calendar months, from the confirmation of any such rate by the Governor-in-Executive Committee.

64. The collector of rates and parochial treasurer shall be and he is hereby authorised to proceed for the recovery of any rates in a summary manner before any police magistrate of the parish where such rates shall have been laid, against the person or persons charged with such rate or tax, or against the owner or owners of the houses lands, hereditaments, and premises charged therewith. Provided always that it shall not be lawful for such collector of rates and parochial treasurer to proceed under this section for the recovery of any such rate or rates after six calendar months from the ex-

Further remedy
for recovery of rates,
limitation of time.

Goods distrained
on claimed by any
person other than
owner or occupier
may be restored.

piration of the year in which the same received the confirmation of the Governor in-Executive Committee.

65. In case goods found on the premises, in respect of which rates shall be levied, shall be distrained on by any collector of rates and parochial treasurer for recovery of taxes in arrear, under the provisions of this Act, and such goods shall be claimed by any person or persons other than the owner, tenant, or occupier of such premises, within ten days after such distress, and satisfactory proof of such claim shall be made to the police magistrate of the parish where such goods were distrained, or if in Bridgetown to one of the police magistrates of Bridgetown, such goods shall be restored to such person or persons claiming the same, he paying all expenses incurred by the distress and application to the police magistrate of Bridgetown who is hereby authorised to inquire into the ownership of such goods, and to examine the owner, tenant or occupier of the premises on which the said goods were found and the claimant and any witnesses he may think necessary for the purpose: Provided that if it should happen that any goods so distrained on shall be sold without any claim as aforesaid, the owner or owners thereof shall be barred of all remedy for recovery thereof or compensation in respect thereof against the purchaser thereof, or the collector of rates and parochial treasurer, who distrained the same.

Remedy in case
of irregularity in
levy.

66. Where any distress shall be made under the provisions of this Act, and any irregularity or unlawful act shall be afterwards done by any collector of rates and

parochial treasurer distraining, or by his agent, the distress itself shall not be deemed to be unlawful, nor the party making it be therefore deemed a trespasser *ab initio*; but the party aggrieved by such unlawful act or irregularity shall or may recover full satisfaction for the special damages he shall have sustained thereby and no more, in an action of trespass or on the case, at the election of the plaintiff, and where the party shall recover in such action, he shall be paid his full costs of suit and have all the like remedies for the same as in other cases of costs.

67. Provided nevertheless that no person distrained on under the provisions of this Act shall recover in any action for such unlawful act or irregularity as aforesaid, if tender of amends hath been made by the collector of rates and parochial treasurer, or his agent, before such action brought. Tender of amends.

68. In all actions of trespass, or on the case to be brought against any collector of rates and parochial treasurer, or his agent or other person, relating to any entry by virtue of this Act, or otherwise, upon the premises in respect of which any rate shall have been laid, or to any distress or seizure, sale, or disposal of any goods or chattels thereupon, it shall and may be lawful for the defendant, in such action to plead the general issue and give the special matter in evidence: any law or usage to the contrary notwithstanding. And in case the plaintiff in such action shall become nonsuit, discontinue his action, or have judgment against him, the defendant shall recover costs of suit. In actions of trespass defendant may plead the general issue.

Disposal of penalties.

69. All fines and penalties imposed by Recovery and dis-

posals of penalties. this Act shall be to her Majesty, her heirs and successors, for the use of the parish in which the penalty was incurred, and shall, except when otherwise herein provided, be recovered before any police magistrate in a summary manner upon the complaint of the rector, churchwarden, or any other member of the vestry of the parish, party aggrieved, or rate payer.

Fees on petition &c., how levied and taxed.

70. The same fees for the filing of petitions, the issuing of summonses or for any other purpose under this Act, shall be levied and shall be taxed in the same manner as the fees are now or at any time hereafter may be levied and taxed in the court of common pleas of this island, and the clerk of such court shall be the clerk of the court for any of the purposes under this Act, provided that no such fees shall be required to be prepaid.

Repeal.

Repeal.

71. The several Acts mentioned in the schedule to this Act are hereby repealed, to the extent mentioned, provided that ;

(1.) Any assessment, rate, rule, order bye-law, license, certificate, contract, bond or other obligation now in force whether made under any enactment hereby repealed or not shall continue in force until otherwise provided ; and

(2.) Any officer appointed under any enactment hereby repealed shall continue and be deemed to have been duly appointed under this Act ; and

(3.) Any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment in this Act.

- (4.) This repeal shall not affect
- (a) the past operation of any enactment hereby repealed nor any thing duly done or suffered under any enactment hereby repealed ; or
 - (b) any right, privilege, obligation, or liability acquired, accrued, or incurred, under any enactment hereby repealed ; or
 - (c) any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed ; or
 - (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty forfeiture, or punishment as aforesaid ; and any such investigation, legal proceeding and remedy may be carried on as if this Act had not passed ; or
 - (e) any Act in which the enactments hereby repealed have been applied, incorporated or referred to
- (5.) This repeal shall not revive any enactment, right, office, privilege, matter or thing not in force or existing at the passing of this Act.
- (6.) All unpaid rates imposed and made payable by any of the Acts hereby repealed shall and may be recovered levied and raised by the means and powers in the said Acts contained in as full and ample a manner as if the said Acts had not been repealed.

72. This Act shall not come into operation until the first day of January one thousand eight hundred and ninety two.

1891—C. 73.

SCHEDULE A.

*Statement of the revenue of the parish of
for the year ending 31st December 18*

REVENUE.

Balance due the parish at 31st December
18 : Cash £

Arrears of taxes £

other arrears £

£

Taxes.

Land tax total acreage A. R. P.

Less taxes remit-

ted by the vestry A. R. P.

Land under trees

exempted A. R. P.

Church and chapel

lands exempted A. R. P. A. R. P.

Net A. R. P. at
per acre

House tax on rental value—

City on £ at in the £

Do. do. rural on £ at in the £

Occupancy tax on A.R.P. at per acre

City rentals on £ at in the £

Rural rentals on £ at in the £

City trade tax £

Rural trade tax £

Less taxes remitted £

£

Dog licences at 5s. each

Pew rents at parish church £
 Ditto chapel £
 Bequests
 Rent of parish property
 Fines from police magistrates
 Water rates
 Fire Brigade rates
 Burial fees
 Loans
 Miscellaneous

Total Revenue £

*Statement of the Expenditure of the parish of
 for the year ended 31st December 18*

EXPENDITURE. £ S. D.

Poor relief.

Maintenance of almshouse
 Keeper
 Servants at almshouse
 Alteration and repairs to almshouse
 Incidentals at almshouse
 New buildings
 Pensions to vestry annuitants
 Pensions to outdoor paupers
 Clothing
 Grant to charitable institutions
 Casual relief
 Medical officer's salary
 Medical officer's fees
 Dispenser's salary
 Medicines and drugs
 Burials, Undertaker
 Burials, digging graves at each
 Chairman of Poor Law Guardians
 Fees of Poor Law Guardians
 Inspector of Poor
 Poor Law Guardians' clerk
 Stationery and incidentals

Education of the Poor

New Buildings—School £
 „ Teachers' houses £
 Repairs to buildings—Schools £
 „ Teachers' houses £
 Rent of schools
 Tuition fees, 1st Grade schools £
 „ 2nd Grade schools £
 „ Primary schools £

Church and Chapels.

Parish Church, Organist
 „ tuning the organ
 „ Clerk
 „ Sexton
 „ repairs and renewals
 „ lighting & cleaning
 „ Communion elements
 and linen
 „ books and registers

——Chapel Organist

„ rent of Curate's
 houses
 „ tuning the organ
 „ Sexton
 „ repairs &c.

Parish property, repairs to Rectory
 „ repairs to Curate's
 houses

Sanitary purposes.

Grant to Sanitary Commissioners
 Westbury Cemetery Board
 Loans repaid

Manumission annuitants

Other annuitants (if any)

Salaries and allowances.

Churchwarden
 Vestry Clerk
 Auditor

Assessors

Inspector of trees

Parochial Treasurers' commission

at o/o on £

Do. do. at ls. each on dog
licenses

Rectors' fees

Churchwarden's clerk

Miscellaneous.

Stationery

Printing and advertising

Legal expenses (stating to whom paid,
and generally, for what purpose.)

Confirming rates

Premium on acres land under
trees

Dog labels

Incidentals

Taxes refunded by order of vestry

Water rates paid Colonial Treasurer

Fire Brigade rates paid Colonial
Treasurer

(The Auditor to place under a distinct
head here any item or items of expenditure
which he considers unwarranted by law.)

Total Expenditure £

Balance due the parish at

date, Cash £

Arrears of taxes £

Other arrears £

Total £

Comparative Statement £ s. d.

Revenue

Expenditure

Balance £

G—3.

SCHEDULE B.

Date of Act.	Title of Act.	Extent of Repeal.
22nd December 1837	An Act to provide for the safe keeping of the registers of the several parishes of this Island.....	The whole Act.
13th March 1838....	An Act to prevent the holding of elections in the parish churches and to alter the mode of giving notices therein during Divine Service.	Section two.
12th June 1844.....	An Act for altering the time of making the annual return of lands.....	The whole Act
22nd December 1848	An Act to alter and amend An Act of this Island entitled An Act to prevent the holding of elections in the parish churches and to alter the mode of giving notices therein during Divine Service.	The whole Act.
25th August 1860....	An Act for granting a loan to enable the vestry of the parish of Saint Joseph to provide a residence for the curate of Saint Ann's Chapel in said parish.....	The whole Act.
7th February 1873	An Act to remunerate the parochial treasurers for their trouble in issuing dog licenses to compensate them for their services as vestry clerks, and to provide them with offices.....	Section two.

SCHEDULE B—Continued.

Date of Act.	Title of Act.	Extent of Repeal.
24th March 1874....	An Act to consolidate and amend the several Acts of this Island relating to vestries...	The whole Act
3rd November 1874.	An Act to require the parochial treasurers to give the auditors appointed and to be appointed by the vestries of the several parishes of this Island free access to the books of the said parishes.....	
19th January 1876..	An Act to amend the Act of the 24th day of March 1874, entitled, "An Act to consolidate and amend the several Acts of this Island relating to vestries.".....	The whole Act.
5th September 1879.	An Act to amend an Act of the 24th day of March 1874, entitled, "An Act to consolidate and amend the several Acts of this Island relating to vestries.".....	The whole Act.
30th December 1882.	An Act to authorize the vestry of the parish of Saint Michael to appoint and remunerate a vestry clerk.....	The whole Act.
9th May 1883....	An Act to declare the law with respect to the payment of parochial taxes and highway taxes on properties sold under the decree of the Court of Chancery of this Island and by the Provost Marshal	The whole Act.
		So far as parochial taxes are concerned.

SCHEDULE B—Continued.

Date of Act.	Title of Act.	Extent of Repeal.
21st May 1883.....	An Act to require the vestries and other parochial boards of the Island to publish annually in the <i>Official Gazette</i> of the Island for the information of the taxpayers, accounts of the moneys received and expended by them.....	The whole Act.
24th December 1883	An Act to reduce the rate of per centage allowed to the collector of rates and parochial treasurer of the parish of Saint Michael.....	The whole Act.
19th March 1884....	An Act to amend an Act of this Island dated the twenty fourth day of March one thousand eight hundred and seventy four, entitled, "An Act to consolidate and amend the several Acts of this Island relating to vestries".....	The whole Act.
31st December 1884.	An Act to amend an Act of the twenty fourth day of March one thousand eight hundred and seventy four, entitled, "An Act to consolidate and amend the several Acts of this Island relating to vestries" and also to amend "The Vestries Amendment Act 1879".....	The whole Act.
21st March 1885...	An Act to authorise the vestries of the several parishes to grant leave of absence to their parochial treasurers.....	The whole Act.

(Assented to 24th September 1891.)

BARBADOS.

An Act to amend the Act to refund to Mr. John Blackwood the duty on cement, hardwood timber, iron-work, and machinery imported and used by him in the construction of a repairing dock, passed the first day of June one thousand eight hundred and eighty nine.

WHEREAS it is deemed expedient to extend the duration of the Act of the first day of June, one thousand eight hundred and eighty nine, entitled, "An Act to refund to Mr. John Blackwood the duty on cement, hardwood timber, iron-work, and machinery imported, and used by him in the construction of a repairing dock" (hereinafter called the principal Act) until the thirtieth day of September, one thousand eight hundred and ninety three; Be it therefore enacted by the Governor, Council, and Assembly of this Island and by the authority of the same, as follows:—

1. The principal Act is hereby amended by substituting in section two the word "three" for the word "one" occurring next after the word "ninety."

Amendment as to duration of Act.

2: In printing the new edition of the laws, the Commissioners are hereby required to print the principal Act as amended by this Act, and to omit this Act from the new edition of the laws.

Printing of Act in new edition of the laws.

1891—C. 75.

CAP. LXXXV.

(Assented to 2nd October, 1891.)

BARBADOS.

An Act to except the manufacture of sulphuric acid in this Island from the operation of "The Bank Holiday's Act, 1890."

WHEREAS Henry Edward Thorne of the City of Bridgetown in this Island, Merchant, has petitioned the Legislature of this Island to except the business of manufacturing sulphuric acid from the operation of "The Bank Holiday's Act, 1890;" And Whereas it is deemed expedient to grant the prayer of the said petition: Be it therefore enacted by the Governor, Council, and Assembly of this Island and by the authority of the same, as follows;

1. The business of manufacturing sulphuric acid in this Island shall be and the same is hereby excepted from the operation of "The Bank Holidays Act, 1890," in addition to the other businesses mentioned in section six of the said Act.

Exception from
operation of "The
Bank Holidays Act
1890."

1891—C. 76.

CAP. LXXVI.

(Assented to 2nd October 1891.)

BARBADOS.

An Act to authorise Henry Edward Thorne to construct a slip alongside a stelling already erected in the sea at the back of his sulphuric acid works at Hole Town in the parish of Saint James and to grant him the sole use and benefit of the said stelling and slip.

WHEREAS the said Henry Edward Thorne hath presented a petition to the Legislature of this Island stating amongst other things that almost eighteen months ago he erected a stelling in the sea at the back of his sulphuric acid works at Hole Town in the parish of Saint James in this Island for the purposes of a whaling business carried on there by him and for shipping sulphuric acid and that he now wishes to construct a slip in the sea alongside the said stelling to facilitate his operations in carrying on the said whaling business and praying that he his heirs and assigns may have legislative protection in the use and enjoyment of the said stelling and slip and the exclusive right and benefit thereof; And Whereas it is deemed expedient to grant the prayer of the said petition; Be it therefore enacted by the Governor, Council and Assembly of this Island and by the authority of the same as follows;

1. The said Henry Edward Thorne his heirs and assigns may construct a slip alongside the stelling already erected in the sea at the back of his sulphuric acid works at

H. E. Thorne authorized to construct slip alongside stelling erect-

ed in sea at back
Sulphuric Acid
Works at Hole
Town for his sole
benefit.

Hole Town in the parish of Saint James in this Island and may from time to time repair alter or remove the said stelling and slip or either of them. And the said stelling and slip shall be to and for the sole use and benefit of the said Henry Edward Thorne his heirs and assigns for ever.

CAP. LXXVII.

(Assented to 2nd October, 1891.)

BARBADOS.

An Act to amend "The Executive Committee Act, 1891."

BE it enacted by the Governor, Council, and Assembly of this Island and by the authority of the same, as follows:

Proviso to sub-section (i) of section 10 of "The Executive Committee Act 1891."

1. The following proviso shall be added to sub-section (1) of section ten of "The Executive Committee Act, 1891," that is to say;

"Provided always that the Governor-in-Executive Committee may in their discretion allow any corporation or person the use of the public buildings in Trafalgar Square or of the Town Hall for the purpose of holding meetings or entertainments of a public nature, subject to such conditions as the Governor-in-Executive Committee may determine."

Printing of Act in new edition of laws.

2. The Commissioners for the revision of the laws shall in preparing and printing the new edition of the laws make the addition required by this Act, and this Act, shall be omitted from the new edition of the laws.

CAP. LXXVIII.

(Assented to 3rd October, 1891.)

BARBADOS.

An Act to amend the law relating to contempt of Court.

WHEREAS it is deemed expedient to amend the law relating to contempt of Court ; Be it therefore enacted by the Governor, Council, and Assembly of this Island and by the authority of the same, as follows ;

1. This Act may be cited for all purposes as "The Contempt of Court Act, 1891."

Short title.

2. (1.) The words "Superior Court" as used in this Act, include the Court of Chancery, the Court of Common Pleas, the Court of Ordinary the Court of Error, the Court of Vice Admiralty, the Circuit Court of Appeal for the Windward Islands, the Court of Grand Sessions of Oyer and Terminer and General Gaol Delivery and General Sessions of the Peace, and the Court of Escheat.

Interpretation.

(2.) The words "Justice of the Peace" mean a police magistrate or a Justice of the peace sitting in Court as such, and exercising his powers and jurisdiction conferred on him by any Act of this Island.

3. (1.) A Superior Court shall have power to punish summarily with fine or imprisonment, any person who commits a contempt in the presence or hearing of the Court when sitting.

Contempts of a Superior Court in its presence.

(2.) Such punishment shall in no case ex-

Punishment.

ceed a fine of twenty five pounds or one month's imprisonment without hard labour.

Order as to payment of fine.

(3.) The Court shall in punishing by fine order that the fine shall be paid within a definite time, not less than fourteen days, and that in default of payment, the offender shall be imprisoned without hard labour for any term not exceeding one month ; provided always that in the case of a contempt committed in the face of the Court (other than the Circuit Court of Appeal for the Windward Islands there shall be an appeal to the Circuit Court of Appeal for the Windward Islands) in the manner and on the conditions prescribed by and subject to the provisions of the Act regulating that Court.

Contempts of a Superior Court not in its presence how to be dealt with.

4. (1) All contempts of a Superior Court other than those committed in the presence and hearing of the court when sitting shall be dealt with and determined only by means of a rule of the court of Common Pleas, which may be applied for by any person whosoever calling upon the defendant to show cause why he should not be attached for contempt of Court.

(2) Such rule of Court shall contain with certainty the words or acts alleged to constitute the contempt of court, and shall be served at least seven clear days before the return day thereof.

(3) Such rule of Court shall be directed to the Provost Marshal, and shall be served on the defendant personally, or if he cannot be found, then a copy of the same shall be left with some responsible person at the last known place of residence or business of the defendant.

(4) Such rule of Court shall be heard and determined on the return day thereof by the Chief Judge of the said Court or the person for the time being acting as such, and by a jury to be summoned and empannelled in the same manner as a jury to try issues in the said Court of Common Pleas is summoned and empannelled.

(5) On the hearing of such rule of Court the defendant shall plead, and thereupon evidence shall be taken on both sides orally and the defendant shall be a competent witness in his own behalf; and the same rules as to summoning and compensation of witnesses, their examination, cross-examination and re-examination, the admissibility or otherwise of evidence, the addresses of counsel, and the judge's charge to the jury, observed in the Court of Common Pleas on the hearing of actions, shall apply to, and be observed on the hearing of such rule of Court

(6) The defendant to such rule of Court may apply for and obtain a special jury in the usual manner, and the costs thereon shall be costs in the cause.

(7) The jury sworn to try the issues, both of law and fact, of such rule, shall give a general verdict of guilty or not guilty upon the whole matter, both of law and fact, put in issue upon such rule, and shall not be required or directed by the court or judge, before whom such rule shall be tried to return any other verdict or finding what soever.

(8) On a verdict of guilty being returned

by the jury, the court shall order the defendant to pay a fine not exceeding twenty-five pounds, and in default of payment within a definite time not less than fourteen days, to be imprisoned without hard labour for any term not exceeding one month.

(9) The defendant, if dissatisfied with the verdict, may move the court or judge in chambers within three days after the giving of such verdict for a new trial, and any new trial granted shall be heard and proceeded with in the same manner as the original trial.

(10) The defendant if convicted, or if a new trial shall be refused him, may within three days after such conviction, or new trial shall have been refused, enter into a bond, with a sufficient surety to be approved by the Prothonotary in the sum of fifty pounds before the Prothonotary of the said Court of Common Pleas, for the due prosecution of an appeal by him to the Circuit Court of Appeal for the Windward Islands, and on his entering into such bond, the sentence of the court shall be stayed until such appeal is disposed of, and such person shall not be detained in custody; and the judges of the said Circuit Court of Appeal may, if in their opinion the evidence did not warrant the finding, or that a new trial, where the same has been applied for, ought to have been granted, reverse such finding and acquit the defendant, or may grant a new trial, where the same has been applied for and refused.

Costs in such cases. 5, Whenever the defendant shall be ac-

quitted he shall be entitled to his costs from the person obtaining the rule of court, and on his being convicted he shall pay costs, and such costs shall be taxed by the Prothonotary in the usual manner ; who on taxing the same shall enter up judgment in his office along with the other judgments entered in his office, for the amount of such costs ; and execution shall be issued thereon by the Prothonotary in the usual manner.

6. In case the contempt alleged in such rule of court shall in any way refer to or affect the Chief Judge of this island, or the person for the time being acting as such so as to cause such Chief Judge or Acting Chief Judge to be personally interested in the matter, such Chief Judge or Acting Chief Judge shall notify the Governor, who shall appoint some competent person to act as Chief Judge on the hearing of such rule. Chief Judge if personally affected not to sit on hearing.

7. If any person shall wilfully insult the judge of any Petty Debt Court during his sitting in Court, the judge of such Court shall order such person to pay a fine not exceeding two pounds and in default of payment within fourteen days after the making of such order, may by warrant under his hand commit the person to prison for any term not exceeding seven days. Penalty for insulting the judge of a petty debt court.

8. Any person who shall be ordered by any Justice of the Peace, Judge of the Petty Debt Court or by any Coroner to pay a fine or be imprisoned for contempt of Court may at the time of such order, give notice to the committing Justice of the Peace, Judge, or Coroner, of his intention to appeal. Appeals from orders in respect of contempts made by any justice of the peace, petty debt court judge, or coroner.

to the Assistant Court of Appeal of this island, and the giving of such notice shall operate as a stay of such order, and such person shall not be detained in custody ; and the committing Justice of the Peace, Judge, or Coroner shall within six days after the giving of such notice send in to the Assistant Court of Appeal a statement signed by him of the causes of such committal, and upon such statement being received, the clerk of the court shall within two days thereafter issue a summons to be served by a police officer on the appellant, calling on him to appear before the judges of the court on a day to be named therein : and the Assistant Court of Appeal shall hear and determine such appeal with all possible despatch, and may from time to time return the proceedings to the committing Justice of the Peace, Judge, or Coroner for further information, and on the appeal being confirmed the committing Justice of the Peace, Judge, or Coroner shall proceed to carry out and enforce his order, in the same manner as if there had been no appeal against the same.

Appeals from orders in respect of contempts made by the Assistant Court of Appeal. 9. Any person who shall be ordered by any Judge of the Assistant Court of Appeal in its appellate or original jurisdiction, to pay a fine or be imprisoned for contempt of Court, may at the time of such order,

give notice to the committing judge or judges of his intention to appeal to the Court of Error of this island ; and the giving of such notice shall operate as a stay of such order, and such person shall not be detained in custody, and on such person entering into the necessary recognizance prescribed by section fifty four of "The Assistant Court of Appeal Act, 1891," the judges of the Assistant Court of Appeal shall within six days thereafter send in to the clerk of the Court of Error a statement of the cause of such committal under the hands of the committing judge or judges, and upon such statement being received the clerk of the Court of Error shall within two days thereafter issue a summons to the Provost Marshal of this island who is hereby required to execute the same, free of cost, calling on the appellant to appear before the Chief Judge in Error on a day to be named therein ; and the Chief Judge in Error shall hear and determine such appeal, and either confirm the order of the Assistant Court of Appeal imposing the costs of the court of Error on the appellant or vary or quash such order, and the Chief Judge in Error may from time to time return the proceedings to the committing judge or judges for further information ; and on the appeal being confirmed the committing judge or judges shall proceed to carry out and

enforce his or their order, in the same manner as if there had been no appeal against the same and also enforce payment of the costs of the Court of Error in the same manner as the payment of costs of the Assistant Court of Appeal is enforced.

Limitation of effect of Act.

10. Nothing hereinbefore contained shall be deemed to interfere with or affect the power now possessed by a Superior Court to punish, by attachment or otherwise, any person who shall disobey a process of such court directed to him, or who shall disobey any order or direction of such court.

Disposal of fines.

11. All fines and penalties to be paid under this Act shall be paid into the public treasury for the uses of the Island.

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CAP. LXXIX.

(Assented to 16th October, 1891.)

BARBADOS.

An Act to consolidate and amend the Acts of this Island relating to the Anglican Church in this Island.

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows ;

Short title.

1. This Act may be cited as "The Anglican Church (Barbados) Act, 1891."

Bishop.

2. From time to time when a vacancy in the See shall occur, the Speaker of the Honourable House of Assembly, the President of the Honourable Board of Council and the Chapter through their Dean, shall, and they are hereby authorized, empowered, and required, to transmit a joint application to the most Reverend the Lord Archbishop of Canterbury, requesting his Grace to associate with him the Bishop of London, and one other of the Bishops of the province of Canterbury, and in conjunction with such Bishops, to select some fit and duly consecrated person, or if the choice should fall on some unconsecrated person, to consecrate him to be Bishop of the Anglican Church

Selection of Bishop.

(4)

in this Island, and thereupon to appoint him by commission, under the hand of the Archbishop, and the seal of the arch-diocese of Canterbury, to be the Bishop of the Anglican Church in this Island.

Invested with all former rights of Bishop on appointment

3. Every Bishop, so appointed, and his successors, shall respectively be deemed to be, to and for all legal intents and purposes in this Island, successors to the former Bishops of Barbados, appointed by the Crown, and he and they are hereby invested with and shall have, enjoy, and exercise, all and every the spiritual and ecclesiastical jurisdiction, rights, powers, and authorities, trust property and estates which were formerly possessed and exercised by and vested in the Bishop of Barbados, appointed by the Crown.

Salary.

4. Every Bishop appointed under and by virtue of the authority of this Act, shall receive an annual stipend of One thousand pounds, payable in the usual manner, from the Public Treasury, by warrant of the Governor in-Executive Committee, and such salary shall commence on and from the day upon which such Bishop shall lodge in person his commission from the Archbishop of Canterbury, for record in the office of the Colonial Secretary of this Island : Provided always, that nothing in this Act contained shall prevent the said Bishop from accepting a similar appointment in the Islands forming on the twelfth of June one thousand eight hundred and seventy two a part of the diocese of Barbados, and exercising the episcopal office over the branches of the Anglican Church, in either or all of the said Islands ; and the absence of the said Bishop

from this Island from time to time for the purposes of such episcopal office as aforesaid, is hereby authorized. And the salary of the said Bishop, as granted by this Act, shall not be in any way affected by reason of his occasional absence from this Island for the purpose of episcopal supervision of the Anglican Churches in any of the colonies hereinbefore referred to: Provided always that such absence shall not exceed six months at any one time or in any one year, and provided also that with respect to the personal leave of absence, the Bishop shall be subject to the rules which apply to other public officers.

5. In every case in which the Bishop is absent on personal leave and by the rules applying to other public officers, he is entitled to receive half pay only, the Governor-in-Executive Committee shall apply the residue of his pay in paying for the services of some other Bishop, if it be necessary to obtain the services of a Bishop during such leave, and in compensating the Bishop's Vicar General for the duties discharged by him during the Bishop's absence.

6. And whereas circumstances may possibly arise of such nature as to render the removal of a Bishop from his episcopal office necessary and expedient in the interest of the Church over which he may have been appointed to preside, and it is advisable to make provision to meet any such contingency should any such arise in this Island: Be it therefore enacted that, in the event of any Bishop, who may be appointed under and by virtue of the authority of this Act, being

If bishop on leave
on half pay, other
half to be applied
&c.

Archbishop of Canterbury, on joint address of legislature, may cancel bishop's Commission.

charged with preaching, uttering, or teaching unsound doctrine, or with immorality, or other improper conduct unsuited to the character and position of a Bishop of the Anglican Church, all necessary power and authority is hereby given to, and conferred upon his Grace the Most Reverend the Archbishop of Canterbury, upon a joint address to him, for that purpose, from the House of Assembly and the Board of Council, to inquire into and investigate in such manner and by such means and agency as he may think right, any charges which might be preferred against such Bishop, in respect of preaching, uttering or teaching unsound doctrine, or of immorality, or other improper conduct, unsuited to the character and position of a bishop of the Anglican Church, and should the said Archbishop of Canterbury consider any such charge or charges proved, and the grounds of complaint reasonable, he shall cancel the commission originally granted to such bishop, and shall thereupon proceed in the manner hereinbefore pointed out to select and appoint some other fit and duly consecrated person to be bishop of the Anglican Church in this Island, in the place of such deposed bishop.

Rectors.

Mode of appointing rectors.

7. Whenever the office of Rector of any of the parishes shall be vacant, the Bishop for the time being, shall from time to time, and as often as may be necessary, convene a meeting at the Public Buildings of the persons holding the following positions for the time being, such persons shall act

as counsellors or advisers of the Bishop in filling up the vacancy, namely ;

(1.) The senior member of the Legislative Council residing in the parish where there shall be such vacancy, but if he shall be unable from illness or any other cause to act as one of such counsellors or advisers, then any other member of the Legislative Council residing in such parish, in the order of seniority, not prevented by illness or any other cause from acting as one of such counsellors or advisers, and if there should not be any member of the Legislative Council residing in such parish, or there being such they or he shall be unable from illness or any other cause to act as one of such counsellors or advisers, then the President of the Legislative Council, and if the President of the Legislative Council shall be absent from the Island or be unable from illness or any other cause to act as one of such counsellors or advisers, then the senior member of the Legislative Council resident in the island not prevented by illness or any other cause from acting as one of such counsellors or advisers.

(2.) The senior representative in the House of Assembly for the parish, where there shall be such vacancy, but if he shall be absent from the island or be unable from illness or any other cause to act as one of such counsellors or advisers, then the junior representative in the House of Assembly for such parish, and if such junior representative shall be absent from the island or be unable from illness or any other cause to act as one of such counsellors or

advisers, then the Speaker of the House of Assembly, and if it shall happen that the Speaker of the House of Assembly be absent from the island or be unable from illness or any other cause to act as one of such counsellors or advisers, then the senior member of the Vestry of such parish, (other than the churchwarden) resident in the island, not prevented from illness or any other cause from acting as one of such counsellors or advisers; provided, always that at the expiration or dissolution of any Session of the General Assembly or during the prorogation of the same, the persons who were last members in the House of Assembly for the parish where such vacancy shall occur, and the last Speaker of the Assembly shall for the purposes of this Act be deemed to be respectively representatives in the House of Assembly for such parish and to be Speaker of the Assembly; provided also that as regards the parish of Saint Michael the senior representative of the city of Bridgetown, or in his absence from any cause the junior representative of the city, shall act as an additional counsellor and adviser, and shall possess and exercise all the powers conferred on any other counsellors or advisers under this sub-section.

(3.) The Rural Dean of the district in which the parish is situate where there shall be such vacancy, but if he shall be absent from the island or unable from illness or any other cause to act as one of such counsellors or advisers, then the Rural Dean of any other district in this island in the order of seniority wherever practicable.

(4.) The churchwarden of the parish where there shall be such vacancy, but if he shall happen to be absent from the island or be unable from illness or any other cause to act as one of such counsellors or advisers, then the senior member of the vestry of such parish resident in the island not required under sub-section two to be a counsellor or adviser of the Bishop and not prevented by illness or any other cause from acting as one of such counsellors or advisers.

(5.) The senior member resident in the island of the vestry of the parish where there shall be such vacancy not required under sub-sections two and four or either of them to be a counsellor or adviser of the Bishop and not prevented by illness or any other cause from acting as one of such counsellors or advisers.

(6.) And the delegate or representative to be chosen as hereinafter in this Act provided. And if four of the said counsellors or advisers shall at such meeting signify their approval in writing of the person whom the Bishop nominates to fill such vacancy, the Bishop shall appoint such person to fill such vacancy, but if four of the said counsellors or advisers shall not approve of such person the Bishop shall nominate as often, as occasion shall require some other person to fill such vacancy until four of the said counsellors or advisers shall signify their approval in writing at such meeting of the person whom the Bishop shall so nominate and if any appointment shall be made by the Bishop contrary to the provisions and requirements of this Act, such appointment shall be null and void. Provided always

that if any of the persons hereinbefore required to be counsellors or advisers shall not be members of the Anglican Church, such other of the persons hereinbefore required to be such counsellors or advisers shall act as such counsellors or advisers as would be required to act if such counsellors and advisers who are not members of the Anglican Church were not resident in the parish or be absent from the island as the case may be. Provided also that if any of the persons required to act as counsellors or advisers shall hold more than one of the foregoing places he shall for the purposes of this Act be deemed to hold only such one of those places he holds as is first mentioned in the foregoing sub-sections and in all other respects he shall for the purposes of this Act be deemed to hold such one place only ; and provided also that whenever the senior member of the vestry shall be a counsellor or adviser by reason of some qualification other than that of seniority as a vestryman then the member of the vestry next in seniority shall take his place as such counsellor or adviser.

Appointment of delegate who is to act as counsellor. 8. The choice of a delegate shall be made in accordance with the following provisions ;

(1.) The day on which and the place where the election is to take place shall be duly notified in the parish church at each of the services on the two Sundays immediately preceding the election ;

(2.) All persons who are seat-holders in the parish church and who have paid all pew rents due and owing by them at the time of such

election shall be entitled to vote at such election ;

(3.) The election shall be made by means of a poll which shall be opened at two o'clock in the afternoon, and continue open until six o'clock in the evening ;

(4.) Every candidate for the post of delegate shall, before his name is placed on the polling paper be proposed by at least one person having the right to vote at the election ;

(5.) The poll shall be opened and taken by some person having the right to vote at the election, such person being selected from among themselves by the persons having the right to vote at the election who are present at the hour when the poll is to be opened ;

(6.) The person who takes the poll shall when the poll is closed declare the candidate in whose favour the majority of votes recorded have been given to be elected, and shall make a return to the bishop of the name and abode of the person so elected.

9. When any Rectory becomes vacant the Bishop shall without delay direct the minister officiating at the parish church on the two Sundays next succeeding the vacancy to give the notice mentioned in sub-section one of the last preceding section. **Notice of vacancy of rectory—how given.**

10. Any meeting to be convened by the Bishop of his counsellors or advisers shall be held in the committee room of the Public Buildings, or in some other convenient room in the said buildings, of which not less than five days notice in writing to the said counsellors or advisers stating the name of **Convening meeting of counsellors.**

(B)

the clergyman proposed to be appointed and the day and hour at which such meeting is to be held shall be given either personally or through the Post Office addressed to the place of abode or other known place of residence or business of such counsellors or advisers, and any notice if given by post shall be deemed to have been given at the time when notice would be delivered in the ordinary course of the post.

Salary of rectors. 11. Every orthodox minister of the Church of England, who may be legal Rector and Incumbent of any parish within this Island, shall receive yearly and every year, the annual salary of three hundred and twenty pounds ten shillings from and out of the Public Treasury, the same to be paid on the warrant of the Governor-in-Executive Committee by equal monthly instalments.

No fee for performance of any church service. 12. No rector or incumbent of any parish church in this Island shall be entitled to demand or recover by process of law any fee for the performance of any of the services of the church.

Rector of S. Michael's right to commuted allowance preserved. 13. (1) The present Rector of the parish of St. Michael shall so long as he continues such rector be entitled to receive by equal monthly instalments out of the Public treasury on the warrant of the Governor-in-Executive Committee the annual sum of two hundred and twenty seven pounds six shillings and six pence as a commuted allowance in lieu of fees for marriages and burials solemnized within the said parish.

Salary of future rectors of S. Michael increased to £500. (2.) When the office of Rector of the parish of Saint Michael shall next become vacant the succeeding and every future rector of the

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said parish shall receive the annual salary of five hundred pounds on the warrant of the Governor in Executive Committee by equal monthly instalments.

Curates.

14. Whenever the office of Curate of any of the parishes of this island shall be vacant, **Appointment of curates.** the Rector for the time being of the parish in which the vacancy has occurred shall from time to time as often as may be necessary, convene a meeting at the vestry house of the parish of the three delegates or representatives to be chosen from among the seat-holders of the church or chapel in which the vacancy has occurred, as hereinafter in this Act is provided; and such persons shall act as counsellors or advisers of the Rector of the parish in filling up the vacancy, and if two of the said counsellors or advisers shall at such meeting signify their approval in writing of the person whom the Rector nominates to fill such vacancy the Rector shall appoint such person to fill such vacancy, but if two of the said counsellors or advisers shall not approve of such person the Rector shall nominate as often as occasion shall require some other person to fill such vacancy until two of the said counsellors or advisers shall signify their approval in writing at such meeting of the person whom the Rector shall so nominate, and if any appointment shall be made by the Rector contrary to the provisions and requirements of this Act such appointment shall be null and void. Provided always that if a rector

fails within three months after a curacy has become vacant to nominate a person acceptable to two of the said counsellors or advisers, then the nomination shall be made by the Bishop or in his absence by his Vicar-General.

Delegates who are to act as counsellors, how chosen. 15. The choice of the delegates shall be made in accordance with the following provisions ;

(1.) The day on which and the place where the election is to take place shall be duly notified in the parish church of the parish in which the vacancy has occurred and in the chapel (if it is in a chapel) in which the vacancy has occurred at each of the services on the two Sundays immediately preceding the election ;

(2.) All persons who are seat-holders of not less than six months' standing in the Parish church or chapel in which the vacancy has occurred (as the case may be) and who have paid all pew rents due and owing by them in such Parish Church or Chapel (as the case may be) at the time of such election shall be entitled to vote at such election ;

(3.) the election shall be made by means of a poll which shall be opened at two o'clock in the afternoon and continue open until six o'clock in the evening ;

(4.) every candidate for the post of delegate shall be a seat-holder of the parish church or chapel in which the vacancy has occurred (as the case may be) and shall have paid all pew rents due and owing by him in such parish church or chapel (as the case may be) at the time of such election.

(5.) every candidate for the post of delegate shall before his name is placed on the polling paper be proposed by at least one person having the right to vote at the election ;

(6.) the poll shall be opened and taken by some person having the right to vote at the election, such person being selected from among themselves by the persons having the right to vote at the election who are present at the hour when the poll is to be opened ;

(7.) the person who takes the poll shall when the poll is closed, declare the three candidates in whose favour the majority of votes recorded have been given to be elected, and shall make a return to the Rector of the parish in which the vacancy has occurred of the names and abodes respectively of the persons so elected.

16. When any curacy becomes vacant the Rector of the parish in which the vacancy has occurred shall without delay direct the minister officiating at the church or chapel in respect of which the vacancy has occurred on the two Sundays next succeeding the vacancy to give the notice mentioned in subsection one of the last preceding section, and the Rector shall also give the like notice on the same two Sundays in the Parish Church.

Notice of vacancy of curacy—how given.

17. Any meeting to be convened by the Rector of his counsellors or advisers shall be held in the Vestry Room of the parish in which the vacancy in the curacy has occurred, of which not less than five days notice in writing to the counsellors or advisers,

Convening meeting of counsellors.

stating the name of the clergyman proposed to be appointed, and the day and hour at which such meeting is to be held, shall be given either personally or through the Post Office, addressed to the place of abode or other known place of residence or business of such counsellors or advisers, and any notice if given by post shall be deemed to have been given at the time when the notice would be delivered in the ordinary course of the post.

Bishop to nominate to any curacy, if rector absent.

18. In case of the absence from the Island of the Rector of the parish wherein the vacancy in any curacy shall occur, the Bishop, and in case of his absence the Vicar-General, shall have the same powers and discharge the same duties and perform the same acts as are by this Act required to be exercised and discharged and done by the Rector of the parish wherein such vacancy shall have occurred.

Curacies to which last 5 sections do not extend.

19. The five preceding sections of this Act shall not extend to curacies in any parish of which the present Rector was appointed before the fifth of February one thousand eight hundred and seventy five.

Curates' salaries

20. There shall be paid to every curate of the Established Church licensed by the Bishop of the diocese, to the Cathedral, and to the following chapels in this Island, that is to say—

In the parish of St. Michael, the Cathedral one; the chapels of Saint Mary, Saint Paul, Saint Ambrose, Saint Leonard, Saint Matthew, Saint Stephen, Saint Barnabas and Saint Giles united, one curate each—making a total of eight curates.

In the parish of Saint Andrew, the chapels of Saint Saviour and Saint Simon, one curate each.

In the parish of Christ Church, the chapels of Saint Matthias, Saint Bartholomew, Saint Patrick, Saint David and Saint Lawrence united, one curate each—being a total of four curates.

In the parish of Saint George, the chapels of Saint Luke, Saint Jude, and Saint Augustine, one curate each.

In the parish of Saint James, the chapels of Saint Silas and Saint Alban united, one curate for both and the chapel of Saint John the Baptist, one curate.

In the parish of Saint John, the chapels of Saint Margaret and Saint Mark united with Saint Catherine in Saint Philip's one curate each.

In the parish of Saint Joseph, the chapel of Saint Ann, one curate.

In the parish of Saint Lucy, the chapels of Saint Clement and Saint Swithun united one curate for both.

In the parish of Saint Peter, the chapels of All Saints with Welch Town and Boscobelle, one curate each.

In the parish of Saint Philip, the chapels of Saint Martin and The Holy Trinity, one curate each.

In the parish of Saint Thomas, the chapel of The Holy Innocents, one curate; making a total number of twenty eight curates, the annual sum of two hundred pounds on the production to the Colonial Secretary of the certificate of the Bishop of the diocese, or, in his absence, the certificate of the Vicar-

General, setting forth the place of worship at which the clergyman officiated, and the period for which he is entitled to be paid; and the said payments shall be made monthly from the Treasury of this Island by warrant from the Governor-in-Executive Committee.

No salary to be paid in respect of any curacy vacant for more than 6 months.

21. If a curacy shall at any time be vacant for a period exceeding six months without being permanently filled, the salary to be paid in respect of such curacy shall not from the expiration of six months after it has become vacant be paid, but such salary shall lapse into the Public Treasury until a permanent appointment has been made to the curacy; and the Bishop or his Vicar-General shall not after a curacy has been vacant for a period of six months certify for any salary to be paid in respect of such curacy during the time the curacy is not permanently filled.

Status of ministers of chapels defined.

22. The status of all such Ministers of the several chapels of the Anglican Church in this island as are in Priest's orders and have a district under their sole immediate control is hereby declared to be that of perpetual Curates under and in accordance with the ecclesiastical law of England, and they shall be henceforth designated Vicars.

District under the immediate care of each minister of a chapel to be accurately defined.

23. The district under the immediate care of each minister of a chapel shall if not defined since the ninth of October one thousand eight hundred and eighty six, as soon as possible after the passing of this Act be precisely and accurately defined by the following persons, namely, the Bishop of the Diocese, and the Rural Dean and Rector of the Rural Deanery and parish respectively

within which such district is ; provided always that if the same person is the Rural Dean and Rector of such deanery and parish the Rural Dean of one of the adjoining deaneries shall take part in defining such district ; and provided also that if any chapel is situate on or near the border of any parish it shall be lawful to include in the limits of the district attached to that chapel any portion of the adjoining parish or parishes, and in such case the Rector or Rectors of such adjoining parish or parishes shall take part in defining such district.

24. After the district of each such Minister of a chapel shall have been precisely and accurately defined in accordance with the last preceding section, a schedule under the hand of the Bishop of the Diocese shall be deposited in the Registry of the Diocese, setting forth the district and limits of the same, of each such Minister, and such districts shall thenceforth be regarded as the separate districts of the Ministers holding the same ; to which schedule all persons may make reference on payment to the Registrar of a fee of one shilling.

Schedule, showing limits of each district, to be deposited in the registry of diocese.

Dean and Chapter.

25. There shall be a Dean and Chapter for the Cathedral of Saint Michael. The Rector of Saint Michael shall be ex officio Dean of the said Chapter so long as the Parish Church of Saint Michael continues to be a Cathedral Church. The Canons of the said Chapter shall be the Archdeacon of Barbados for the time being, and not more

Dean and chapter.

than five nor less than three other Presbyters.

Incorporation of Dean and Canons. 26. The said Dean and Canons shall be one body politic and corporate by the name of the Dean and Chapter of Saint Michael's Cathedral, and by that name shall and may have a perpetual succession, and a common seal, and by that name may sue and be sued, and may hold, take, and receive real and personal property of any description.

Appointment of canons. 27. The Canonries shall be in the sole gift and patronage of the Bishop of Barbados for the time being, who shall be the Visitor of the Dean and Chapter.

Statutes for the chapter. 28. The Dean and Chapter may from time to time make statutes and orders for the governance of its members and for the administration of the affairs of the said Chapter of every kind whatsoever, and may from time to time alter, amend, or annul the same; and all such statutes original or otherwise shall be submitted for the approval of the Bishop of Barbados who shall have power to reject them or to refer them back to the said Chapter for amendment, and when so amended and confirmed shall be laid on the Table of both Houses of the Legislature for forty days, and if not objected to within that period by resolution of either branch of the Legislature shall be binding on the said Chapter and on the members thereof and in respect of all matters properly cognizable thereby.

Tenure of stall and office by canon. 29. Every Canon shall hold his stall and office on the same terms as any ecclesiastical benefice is held by the Incumbent thereof,

provided that if a Canon shall accept preferment in another Diocese or shall cease to reside in the Diocese of Barbados he shall *ipso facto* vacate his stall or office and forfeit his style, title and precedence as Canon.

30. The stalls of the several Canons shall have respectively the following several names which have been assigned to them respectively by the Bishop of Barbados, viz., the names of Saint Ignatius, Saint Cyprian, Saint Basil, Saint Ambrose, Saint Augustine, and Saint Aidan respectively. Names of Canons' stalls.

31. Every Canon shall be installed in person or by proxy by the Bishop in Saint Michael's Cathedral as soon as may be after his appointment, and before such installation he shall make and subscribe the declaration of assent to the thirty nine Articles, and also the following declaration : Installation of canons.
BARBADOS.

I, A. B., having been duly collated to the stall of _____ in the Cathedral Church of Saint Michael, do promise that I will duly observe the Statutes, Rules and Customs of the said Cathedral Church, and will defend its just rights and privileges in so far as in me lies.

32. Each of the Canons, and the Chancellor, and Registrar of the Diocese shall have stalls assigned to them in the Choir of Saint Michael's Cathedral, and shall be entitled to occupy his stall at any service. [Assignment of stalls to canons, chancellor, and Registrar.]

33. During any vacancy of the See the Chapter shall have, and they are hereby invested with full authority to administer the affairs of the Diocese in all such matters as do not call for any purely spiritual exer- Authority of the chapter during any vacancy of the see.

cise of the episcopal office, and they may under their common seal with the approval of the Primate of the Province of the West Indies commission any lawfully consecrated Bishop of the Anglican Church to perform all purely episcopal acts during such vacancy, and they shall during such vacancy be trustees of the See and guardian of the spiritualities.

Duty of the chapter, and its several members.

34. The Chapter shall be a Diocesan Council for the Bishop ; the several members thereof shall serve when required on Commissions in matters of clergy discipline ; they shall assist the Dean so far as circumstances will permit, and they shall preach in the Cathedral church according to their turn as appointed from time to time by the Bishop for the discharge of episcopal functions or at services appointed by the Dean and Chapter.

Services to be arranged by the chapter.

35. It shall be the duty of the Chapter to hold from time to time such services as it shall be in their power to arrange for with the consent of the Rector. Any episcopal functions, namely, ordinations, confirmations and visitations of the clergy shall have precedence before any services that are or may be deemed parochial whenever such precedence shall be claimed by the Bishop as necessary for due and proper discharge of the said episcopal functions ; and also it shall always be lawful for the Bishop at his discretion to preach at and take part in any of the services held in the said church of Saint Michael.

Disposal of offertories at such services.

36. The offertories at the services appointed by the Dean and Chapter shall be under the control of Dean and Chapter.

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37. In the absence or vacancy of the office of the Dean the Senior Canon shall exercise the rights and functions of the Dean during such absence or vacancy in office. Senior canon to exercise rights of Dean during absence.

Diocesan Synod.

38. The present and all future members, of the Diocesan Synod of Barbados shall be and they are hereby declared to be one body politic and corporate by the name of "The Diocesan Synod of Barbados" and by that name shall have perpetual succession, and shall and may sue and be sued in all courts whatsoever in all manner of actions, suits, complaints, matters and causes whatsoever, and shall have a common seal and the same may vary and alter at their pleasure. The Diocesan Synod declared a corporation aggregate.

39. The Diocesan Synod of Barbados shall be in law capable of holding all such estate real and personal as may have been already acquired by them and of having, taking and holding hereafter other estate real and personal either by purchase, gift, devise, or legacy for the use and benefit of the said Diocesan Synod; provided nevertheless that such real estate shall not at any one time exceed in value the sum of ten thousand pounds; and the said Diocesan Synod shall have full power to grant, demise, exchange and dispose of any messuages, land and hereditaments of which they may be possessed or in which they may have any estate or interest or any part thereof; and the said Diocesan Synod shall have full power to transfer and dispose of any mortgages or Power of Synod to hold property and dispose of same.

other securities or any personal estate to which they shall be entitled as the said Diocesan Synod shall think fit.

Synod may vary its constitution, appoint officers, and make rules.

40. The said The Diocesan Synod of Barbados shall have power from time to time by resolution to vary their constitution, provided that the number of lay-members shall at all times be not less than the number of clerical members ; and they shall also have power from time to time to appoint such officers and to make such provisions, rules and regulations for the settling of their procedure for the transaction of their business and for all other matters whatsoever relating to the furtherance of the work and interests of the Anglican church in this island as they shall think expedient ; provided that no such resolution, provision, rule, or regulation shall be deemed to have the force of ecclesiastical law in the Anglican Church in this Island.

Oaths and discipline.

Declaration of assent.

41. The following declaration is herein-after referred to as "the Declaration of Assent," I A. B. do solemnly make the following declaration :

"I assent to the Thirty-nine Articles of Religion, and to the Book of Common Prayer, and of the Ordering of Bishops, Priests, and Deacons. I believe that the doctrine of the Church of England as there in set forth to be agreeable to the Word of God : and in public prayer, and administration of the Sacraments, I will use the form in the said book prescribed, and none

"other except so far as shall be ordered by
"lawful authority."

42. The following declaration is herein- Declaration against
after referred to as "the Declaration against simony.
Simony :

"I A.B. do solemnly declare that I have
"not made myself or by any other persons
"on my behalf any payment, contract or
"promise of any kind whatsoever, which to
"the best of my knowledge or belief is si-
"monical, touching or concerning the ob-
"taining the preferment of
"nor will I at any time hereafter perform
"or satisfy, in whole or in part, any such
"kind of payment, contract, or promise made
"by any other without my knowledge or
"consent."

43. The following declaration is herein- Stipendiary curates
after referred to as "The Stipendiary declaration.
Curates' Declaration."

"I A.B. Incumbent of in the
"parish of *bona fide* undertake
"to pay to C. D. in the parish
"of the annual sum of
"pounds as a Stipend, for his services as
"Curate, and I C. D. *bona fide* intend to
"receive the whole of the said Stipend. And
"each of us the said A.B. and C.D. declare
"that no abatement is to be made out of
"the said stipend in respect of rent or con-
"sideration for the use of the glebe house
"and that I A.B. undertake to pay the
"same, and I C. D. intend to receive the
"same, without any deduction or abatement
"whatsoever."

44. Every person about to be ordained Oaths to be taken
Priest or Deacon shall, before ordination, in before ordination.

the presence of the Bishop by whom he is about to be ordained, at such time as he may appoint, make and subscribe the Declaration of Assent, and take and subscribe to the Oath of Allegiance and Supremacy according to the form following :

“ A. B. do swear that I will be faithful
“ and bear true allegiance to Her Majesty
“ Queen Victoria, So HELP ME GOD.”

Oaths to be taken
on institution or
appointment.

45. Every person about to be instituted or appointed to any benefice, or appointed or licensed to any curacy, clerkship, or preachership shall, before institution or appointment is made, or license granted, make and subscribe the Declaration of Assent, and the Declaration against Simony, and take the same Oath of Allegiance and Supremacy, in the presence of his Bishop or his Commissary.

Declaration on
being licensed to a
curacy.

46. Every person about to be licensed to a stipendiary curacy shall, before obtaining such license, present to the Bishop the stipendiary curate's declaration, signed by himself, and by the incumbent of the benefice to which he is about to be licensed.

Person appointed
to any benefice to
read the 39 articles
under penalty.

47. Every person instituted or appointed to any benefice with cure of souls, or licensed to a curacy, shall on the first Lord's day, on which he officiates in the church of such benefice or curacy, or on such other Lord's day, as the Ordinary may appoint and allow, publicly and openly in the presence of the congregation there assembled, read the Thirty Nine Articles of Religion, and immediately after reading the same, make the said Declaration of Assent, adding, after the words “article of religion” in the

said declaration, the words "which I have now read before you."

If any person instituted, appointed, or licensed as aforesaid wilfully fail to comply with the provisions of this section, he shall absolutely forfeit his benefice or curacy.

48. Every person licensed to a stipendiary curacy shall in the presence of the bishop by whom he was licensed, or of his commissary (unless having been ordained on the same day he has already made and substituted the same) make and subscribe the Declaration of Assent, and on the first Lord's day on which he officiates in the Church, or one of the Churches in which he is licensed to serve, publicly and openly make the Declaration of Assent in the presence of the congregation there assembled and at the time of divine service.

Public declaration of assent to be made on first officiating.

If any person licensed to a stipendiary curacy wilfully fails to comply with the provisions of this section his license shall be void.

49. Subject as hereinafter mentioned, no person shall, on or as a consequence of ordination or on as a consequence of being licensed to any stipendiary curacy, or on or as a consequence of being instituted, appointed, or licensed to any benefice, curacy, lectureship, or preachingship, be required to make any subscription, or declaration, or take any oath other than such subscriptions, declarations, and oath as are required by this Act.

No subscriptions or declarations to be made other than those contemplated above.

50. On all occasions other than those hereinbefore provided for, on which any declaration or subscription with respect to

In certain cases declaration of assent may be substituted.

(D)

the Thirty Nine Articles, or the Book of Common Prayer, or the Liturgy is required to be made by any person in Holy Orders appointed to any ecclesiastical dignity, benefice or office, the making and subscribing the Declaration of Assent shall be substituted for the making any such declaration or subscription as aforesaid: and on all occasions other than those hereinbefore provided, on which any oath against simony is required to be taken, the making and subscribing the Declaration against simony shall be substituted for the taking of such oath.

Oaths not to be administered during certain services. 51. No oath shall be administered during the service for the ordering of deacons, or during the service for the ordering of priests.

Canonical oaths. 52. Nothing in this Act contained shall extend to or affect the oath of canonical obedience of the Bishop.

Bishop to exercise ecclesiastical jurisdiction over clergy. 53. It shall be lawful for the Bishop of Barbados for the time being, or any person legally appointed by him to act as his commissary, to exercise spiritual and ecclesiastical jurisdiction only over the clergy resident in this island, whether beneficed or unbeneficed, and in the following sections of this act relating to discipline the term Bishop shall mean the Bishop or such commissary.

Laws and ordinances in England relating to ecclesiastical jurisdiction over clergy, declared in force in this island. 54. All laws, ordinances, and canons ecclesiastical, which were on the seventh of June one thousand eight hundred and twenty five in force in that part of the United Kingdom called England, so far as the same relating to the due ordering and

ecclesiastical regimen and jurisdiction over the clergy therein, and all rules and regulations for carrying the same into effect shall be esteemed, accepted, and taken to be in full force and virtue within this Island. And the Judges of the Courts of common law in this Island shall and may from time to time, and at all times, be aiding and assisting in enforcing and carrying into execution such proceedings and processes, orders, sentences, adjudications, and decrees at any time to be issued, had, made, or given in respect to the clergy within this Island, in the same manner, to all intents and purposes, as the Courts of common law, within that part of the United Kingdom called England were on the said seventh of June lawfully authorised, empowered, or required to aid and assist the Ecclesiastical Courts in enforcing and carrying into execution the processes, proceedings, orders, sentences, adjudications, and decrees issued, had, made or given in the said last mentioned Courts.

55. It shall and may be lawful to and for the said Bishop of Barbados for the time being, his commissary or commissaries, to exercise spiritual and ecclesiastical jurisdiction over all and every the subordinate officer and officers under him or them in any the proceedings against such accused clergymen, in case of any malfeasance in their respective offices, according to the spiritual and ecclesiastical laws.

56. Should any clergyman of the Anglican Church in this Island feel himself aggrieved by any sentence which may be pronounced against him by such Bishop, such clergyman

Bishop may exercise jurisdiction over subordinate officers.

Appeal against sentence by Bishop.

shall have the right of appealing from such sentence to the Archbishop of Canterbury.

Commission of inquiry when clerk charged with any offence.

57. (1.) In every case of any Clerk in Holy Orders of the Anglican Church in this Island who may be charged with any offence against the laws ecclesiastical, or concerning whom there may exist scandal or evil report as having offended against the said laws, it shall be lawful for the Bishop of the Diocese, on the application of any party complaining thereof, or if he shall think fit of his own mere motion, to issue a commission under his hand and seal to five persons, of whom one shall be his Vicar-General, or an Archdeacon or Rural Dean within the Diocese, two others of whom shall be priests of ten years standing, and two others either barristers or solicitors, being members of the Church of England, for the purpose of making inquiry as to the grounds of such charge or report; provided always that notice of the intention to issue such commission under the hand of the Bishop, containing an intimation of the nature of the offence, together with the name, addition and residence of the party on whose application or motion such commission shall be about to issue, shall be sent by the Bishop to the party accused fourteen days at least before such commission shall issue; provided always that it shall be competent for any clergyman against whom there may exist scandal or evil report, whether he be complained of or not, to call upon the Bishop to issue his commission to five persons constituted as aforesaid in order to enquire and determine whether such scandal or report be true or not.

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(2) Each commissioner shall receive from the public treasury on the warrant of the Governor-in-Executive Committee remuneration at the rate of ten shillings and sixpence for each hour that he is occupied in discharging the duties of commissioner.

(3) All other expenses connected with any enquiry under this Act shall be paid by the unsuccessful party, and shall be taxed by the registrar of the diocese.

58. It shall be lawful for the said commissioners or any three of them (one being a layman) to examine upon oath or upon solemn affirmation in cases where an affirmation or declaration is allowed by law instead of an oath, which oath or affirmation or declaration respectively shall be administered by them to all witnesses who shall be tendered to them for examination as well by any party alleging the truth of the charge or report, as by the party accused, and to all witnesses whom they may deem it necessary to summon for the purpose of fully prosecuting the inquiry, and ascertaining whether there be sufficient *prima facie* ground for instituting further proceedings; and notice of the time when and place where every such meeting of the Commissioners shall be holden shall be given in writing under the hand of one of the said Commissioners to the party accused seven days at least before the meeting; and it shall be lawful for the party accused, or his agent to attend the proceedings of the Commission, and to examine any of the witnesses and to hand in any written statement he may think fit; and all such preliminary

Proceedings of the
commissioners.

proceedings shall be public or private according to the discretion of the said Commissioners ; and when such preliminary proceeding whether public or private, shall have been closed, one of the said Commissioners, shall after due consideration of the depositions taken before them, and of the statement in writing, if any, put in by the accused openly and publicly declare the opinion of the majority of the Commissioners present at such inquiry whether there be or be not sufficient *prima facie* ground for instituting further proceedings.

Report of the commissioners.

59. The said Commissioners or any three of them shall transmit to the Bishop under their hands the depositions of witnesses taken before them, and also a report of the opinion of the majority of the Commissioners present at such inquiry, whether or not there be sufficient *prima facie* ground for instituting proceedings against the party accused ; and such report shall be filed in the Registry of the Diocese ; and the Bishop shall, upon the application of the party accused, allow him to make a copy of the said report and of the depositions.

Bishop may pronounce sentence without further proceedings on request of clerk.

60. In all cases where proceedings shall have been commenced under this Act against any such clergyman, it shall be lawful for the Bishop at the request in writing of such clergyman, to pronounce, without any further proceedings, such sentence as the said Bishop in consultation with the Chancellor, shall think fit, not exceeding the sentence which might be pronounced in due course of law, and all such sentences shall be good and effectual in law, as if

pronounced after a hearing according to the following provisions of this Act, and may be enforced by the like means.

61. If the Commissioners shall report that there is sufficient prima facie ground for instituting proceedings, and if the Bishop or the party complaining shall thereupon think fit to proceed against the party accused, articles shall be drawn up, and when approved and signed by a practising barrister, shall together with a copy of the depositions taken by the Commissioners, be filed in the Registry of the diocese, and any such party or any person on his behalf, shall be entitled to inspect without fee such copies, and to require and have, on demand, from the Registrar (who is hereby required to deliver the same,) copies of such depositions, on payment of a reasonable sum for the same, not exceeding two pence for each folio of ninety words.

Articles and depositions to be filed.

62. A copy of the articles so filed shall be forthwith served upon the party accused by personally delivering the same to him or by leaving the same at the residence house belonging to any preferment holden by him, or if there be no such house then at his usual or last known place of residence, and it shall not be lawful to proceed upon any such articles until after the expiration of fourteen days after the day on which such copy shall have been so served.

Service of copy of the articles on the party.

63. It shall be lawful for the Bishop, by writing under his hand to require the party accused to appear, either in person or by his agent duly appointed, as to the said party may see fit, before him at any place

Bishop may require the party to appear before him, and pronounce judgment on admission.

within the diocese, and at any time after the expiration of the said fourteen days, and to make answer to the said articles within such time as to the Bishop shall seem reasonable; and if the party shall appear, and by his answer admit the truth of the articles, the Bishop or his Commissary, specially appointed for that purpose, shall forthwith proceed to pronounce sentence thereupon according to the ecclesiastical law.

**Service of notices
and requisitions.**

64. Every notice and requisition to be given or made in pursuance of this Act shall be served on the party to whom the same relate in the same manner as is hereby directed with respect to the service of a copy of the articles on the party accused.

**Proceedings on
hearing before the
Bishop.**

65. If the party accused shall refuse or neglect to appear and make answer to the said articles or shall appear, and make answer to the said articles other than an unqualified admission of the truth thereof, the Bishop shall proceed to hear the cause with the assistance of three assessors to be nominated by the Bishop, one of whom shall be the Chancellor and another shall be one of his Archdeacons or Rural Deans; and upon the hearing of such cause the Bishop shall determine the same, and pronounce sentence thereupon according to ecclesiastical law.

**Sentence of Bis-
hop to be effectual in
law.**

66. All sentences which shall be pronounced by the Bishop or his Commissary in pursuance of this Act, shall be good and effectual in law, and such sentences may be enforced by the like means as a sentence pronounced by an ecclesiastical court of competent jurisdiction in England.

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67. In every case in which, from the nature of the offence charged, it shall appear to the Bishop that great scandal is likely to arise from the party accused continuing to perform the services of the Church while such charge is under investigation, or that his ministration will be useless while such charge is pending, it shall be lawful for the Bishop to cause a notice to be served on such party at the same time with the service of a copy of the articles aforesaid, or at any time pending any proceedings before the Bishop, inhibiting the said party from performing any services of the Church within the diocese from and after the expiration of fourteen days from the service of such notice, and until sentence shall have been given in the said cause; provided that it shall be lawful for such party, within fourteen days after the service of the said notice, to nominate to the Bishop any fit person or persons to perform all such services of the Church during the period in which such party shall be so inhibited as aforesaid; and if the Bishop shall deem the person or persons so nominated fit for the performance of such services, he shall grant his license to him or them accordingly, or in case a fit person shall not be nominated, the Bishop shall make such provision for the service of the Church as to him shall seem necessary; provided that it shall be lawful for the said Bishop at any time to revoke such inhibition and license respectively.

Inhibition of accused from performing services of church.

68. It shall be lawful in any such inquiry as hereinbefore or hereinafter in this Act

Attendance of witnesses and production of documents.

(E)

mentioned for any three or more of the Commissioners, or in any proceeding, for the Bishop, or for any assessor of the Bishop, to require the attendance of such witnesses, and the production of such deeds, evidences or writings as may be necessary; and such Commissioners, Bishop and assessors respectively shall have the same powers for these purposes as now or may hereafter belong to ecclesiastical courts in England.

Witnesses to be examined on oath, and liable to punishment for perjury. 69. Every witness who shall be examined in pursuance of this Act shall give his evidence upon oath, or upon solemn affirmation in cases where an affirmation is allowed by law instead of an oath, which oath or affirmation respectively shall be administered by the Bishop or his assessor, or by a Commissioner; and every such witness who shall wilfully swear or affirm falsely shall be deemed guilty of perjury, and shall be liable to be convicted and punished accordingly.

Limitation of time for institution of suit. 70. Every suit or proceeding against any such clergyman for any offence against the laws ecclesiastical, shall be commenced within two years after the commission of the offence in respect of which the suit or proceeding shall be instituted, and not afterwards; provided always, that whenever any such suit or proceeding shall be brought in respect of any offence for which a conviction shall have been obtained in any court of common law, such suit or proceeding may be brought against the person convicted at any time within six calendar months after such conviction, although more than two years shall have elapsed since the commission of

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the offence in respect of which such suit or proceeding shall be so brought.

71. When any clergyman of the Anglican Church holding a cure in this island, whether such cure be a Rectory or Curacy, shall be absent from the island without leave, it shall be lawful for the Governor, on the application of the Bishop of the said Church, or in his absence of his Vicar General or Commissary, to issue directions to the Colonial Treasurer to pay the stipend attached to the cure of which such absent clergyman is incumbent to such person or persons as may be nominated by the Bishop to perform the duties of such cure.

Clergyman absent without leave—stipend paid to person appointed to do duties

72. When any clergyman of the said Church holding such cure as aforesaid, being absent from the island without leave, shall continue absent therefrom without leave for the space of six months, such clergyman shall be deemed to have vacated his cure and such cure shall be dealt with as vacant, and a fresh appointment made thereto in the same manner as if the vacancy had been occasioned by death or resignation.

Absence without leave for 6 months vacates cure.

73. In all cases of application for leave of absence by clergymen of the Anglican Church or for extension of leave when leave has been granted and is about to expire, the consent of the Bishop of the Diocese or in his absence of his Vicar General or Commissary on whom the duty of seeing that the cure of the Island are duly and properly served devolves, shall be necessary, and such consent notified in writing shall in every case accompany the application.

Consent of Bishop condition precedent to leave.

74. If the Bishop shall see reason to

If duties of bene.

if inadequately discharged, commission may issue.

believe that the ecclesiastical duties of any benefice are inadequately performed it shall be lawful for the Bishop, if he see fit, to cause a commission to be issued under his hand and seal, addressed to five persons to be nominated as hereinafter mentioned, authorising and requiring them to inquire into and report to him whether such duties are adequately performed and upon the expediency of the resignation of the said incumbent ; and it shall be lawful for such commissioners to inquire into and report upon all such matters in anywise affecting such resignation, or connected therewith as they may deem necessary ; and the commissioners, shall make their return to the commission within three months from the issuing of the commission or within such enlarged time as the Bishop shall, by writing under his hand and seal, from time to time direct.

Commissioners.

75. One of the five commissioners shall be the archdeacon or the rural dean of a rural deanery of the diocese, as the bishop may determine ; one other of the commissioners shall be an incumbent of the diocese, nominated by the incumbent ; one other of the commissioners shall be an incumbent of the diocese, nominated by the Bishop ; one other of the commissioners shall be a member of the Anglican Church in this Island, nominated by the two representatives of the parish in which the benefice is situate in the House of Assembly, or in the case of there being only one such representative at the time, by such one ; and the remaining commissioner shall be a member of the Anglican Church, nominated by the Vestry.

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76. Notice of the intention to issue such commission shall be delivered or sent by the Bishop to the incumbent, to the chairman of the Vestry of the parish in which the benefice is situate, and to the representatives or representative of such parish in the House of Assembly and such commission shall not issue until the expiration of one month from the delivery or sending of such notices. The notice to the incumbent, the chairman of the Vestry and the representatives or representative shall require the incumbent, the Vestry and such representatives respectively to nominate a commissioner by sending his name and address in writing to the bishop within one month from the date of such notice ; and if the incumbent the Vestry or such representatives respectively shall omit to nominate a commissioner within the time limited, the Bishop may nominate a commissioner instead of the incumbent the Vestry or such representatives respectively, and when and so soon as such commission shall be issued, notice of such commission shall be delivered or sent by the Bishop to each commissioner. Service by prepaid letter shall be sufficient service of all notices and documents under this section.

77. The commissioners shall give seven days notice of their first meeting affixed to the usual place of public notices in the church of the benefice. Three of the commissioners one of whom shall be a layman shall constitute a quorum, and the commissioners at a meeting of them duly constituted may examine on oath, if they see fit, the persons who are desirous or willing to be examined by them

Notice of intention
to issue commission.

Proceedings of com-
missioners.

or who have been duly summoned by them touching any matter relating to the object of the commissioners, and may administer the oaths necessary for that purpose, and the commissioners shall in their return to the commission certify all such matters and things as shall appear to them material together with their opinion as to the expediency or otherwise of the resignation of the incumbent.

Proceedings on a return to a commission certifying resignation to be expedient.

78. If the return to the commission shall certify the resignation to be expedient, the Bishop shall cause a declaration, as in schedule one to be prepared inserting therein the day, not being less than one month after the date of the declaration when the incumbency shall be void, and shall sign the same in duplicate in the presence of one witness, and shall cause one copy thereof to be delivered or sent prepaid by the post within two days after it is signed to the incumbent of the same and the other copy to be filed in the registry of the diocese.

Appointment to vacant benefice.

79. Subject to the provisions of section eighty-seven of this Act after the filing of such declaration as aforesaid, the benefice shall *ipso facto*, be vacant on the day fixed in such declaration; and a clerk for the same shall be appointed as if it had been vacated by the death of the incumbent thereof, and the clerk who shall be instituted or licensed thereto shall be entitled to the revenues of the same.

Appraisalment of crops on glebe, and payment for same by incoming rector.

80. If on the voluntary resignation of a benefice by an incumbent, or on a benefice being declared void by the Bishop, under the provisions of this Act, there shall be

any growing crops on the glebe lands belonging to such benefice which have been sown by the retired incumbent, then the value of such growing crops shall be ascertained by appraisement in the manner hereinafter mentioned. And the clerk or spiritual person who shall have been instituted to the benefice so resigned or declared void as aforesaid, and shall be entitled to the revenues thereof, shall pay to or otherwise settle with the retired incumbent the amount of such appraisement within one month after he shall have been instituted to the said benefice ; and the amount of such appraisement shall constitute a debt due from the succeeding incumbent to the retired incumbent and shall be recoverable as such by the latter. And until the amount of the said appraisement shall be paid or settled as aforesaid, the same shall be the first lien on the said crops.

81. If the succeeding incumbent shall make default in paying or settling the amount on the said appraisement, it shall be lawful for the retired incumbent to enter on the said glebe lands and reap the said crops when the same shall arrive at maturity and the proceeds and profits of the said crops after payment thereof of the expenses incurred in reaping and realizing the same, are to be applied in the first place in payment of the amount of the said appraisement, and the surplus, if any, is to be handed over to the succeeding incumbent.

Proceedings on default of payment.

82. The police magistrate for the parish in which the benefice so resigned or declared void as aforesaid may be situated, shall, on

Appointment of appraisers.

application made to him, by either the retired or succeeding incumbent, appoint three appraisers in accordance with the provisions of section forty-three of "The Landlord and Tenant Act, 1891," to value the growing crops on the glebe lands of the said benefice; and the retired incumbent and also the succeeding incumbent shall each be entitled to receive a copy of the said appraisement, certified by the said police magistrate, on applying to such police magistrate for the same.

Penalty on reaping crops before payment.

S3. If the succeeding incumbent shall reap, cut down, dig up, or injure the growing crops of the glebe lands of the said benefice before he shall have paid to or settled with the retired incumbent the amount of the said appraisement, he shall be liable to a penalty not exceeding the sum of fifty pounds, to be recovered summarily before the police magistrate for the parish in which the said glebe lands may be situated on the complaint of the retired incumbent.

If duty is inadequately performed Bishop may require appointment of Curate.

S4. Whenever the bishop shall see reason to believe that the ecclesiastical duties of any benefice are inadequately performed, it shall be lawful for him if he shall deem fit and he deem it expedient to do so, in lieu of issuing a commission under section 74 to issue a commission to four beneficed Clergymen of the Diocese, one whereof shall be the Rural Dean, if any, of the rural deanery or district wherein such benefice is situated directing them to enquire into the facts of the case, and it shall be lawful for the incumbent of the said benefice to add to such Commissioners one other incumbent of

a benefice within the Diocese; and if the said Commissioners or the major part of them, report in writing under their hands to the Bishop, that in their opinion the duties of such benefice are inadequately performed, it shall be lawful for the Bishop, if he shall see fit, by writing under his hand, to require the spiritual person holding such benefice to nominate to him a fit person or persons with sufficient stipend or stipends to be licensed by him to assist in performing such duties, specifying therein the grounds of such requisition; and if such spiritual person shall neglect or omit to make such nomination for the space of three months after such requisition so made as aforesaid, it shall be lawful for the Bishop to appoint and license a curate or curates as the case shall appear to him to require, with sufficient stipend or stipends.

85. The stipend to be assigned to any such curate shall be approved of by the Bishop and shall not be less than one hundred and twenty pounds per annum, and shall not exceed two-thirds of the net annual value of the benefice: and every stipend so assigned as aforesaid shall be paid to the curate to whom it is assigned out of the Public Treasury out of the annual stipend annexed by law to the benefice. Stipend of such curate.

86. The Bishop shall cause a copy of every such requisition and the evidence whereon the same is founded, to be forthwith recorded by the Registrar of the Diocese. Copy of requisition to be recorded.

87. It shall be lawful for any spiritual person within one month after the service Right of appeal.

(F)

upon him of such declaration as before mentioned or of such requisition to nominate a curate, or of notice of any such appointment and license of such curate or curates to appeal to the Primate of the West Indian Province who shall approve or revoke or confirm or annul such declaration, requisition or appointment as to him shall seem just or proper.

In the fourteen preceding sections of this Act the term benefice shall comprehend all rectories with cure of souls, perpetual curacies and parochial chapelries.

Relief from Disability.

Interpretation of terms. 88. In the three following sections of this Act the term "Minister" means a Priest or a Deacon, and the term preferment shall be construed to comprehend every Archdeaconry, Rural Deanery, and all benefices with cure of souls comprehending therein all parishes, perpetual curacies, endowed public chapels, parochial chapelries, and chapelries, or districts belonging to or reputed to belong or annexed or reputed to be annexed, to any church or chapel, and every curacy, lectureship, readership, chaplaincy office, or place, which requires the discharge of any spiritual duty, and whether the same be or be not within any exempt or peculiar jurisdiction.

Deed of relinquishment. 89. Any persons admitted (before or after the passing of this Act) to the office of minister in the Anglican Church in this Island may after having resigned any and every preferment held by him do the following things :

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(1) He may execute a deed of relinquishment in the form given in schedule two to this Act,

(2.) He may cause the same to be recorded in the Secretary's Office of this Island, on payment of a fee of ten shillings for the recording and copy thereof.

(3.) He may deliver an Office copy of the record to the Bishop stating his place of residence.

90. At the expiration of six months after an office copy of the record of a deed of relinquishment has been so delivered to the Bishop, he or his successor in office shall, on the application of the person executing the deed, cause the deed to be recorded in the registry of the diocese, and thereupon and thenceforth (but no sooner) the following consequences shall ensue with respect to the person executing the deed.

Consequences of
execution of deed.

(1.) He shall be incapable of officiating or acting in any manner as a minister of the Anglican Church in this Island, and of taking or holding any preferment therein, and shall cease to enjoy all rights, privileges, advantages and exemptions—attached to the office of minister in the Anglican Church in this Island.

(2.) Every license, office, and place held by him, for which it is by law an indispensable qualification that the holder thereof should be a minister of the Anglican Church in this Island, shall be *ipso facto* determined and void.

(3.) He shall be by virtue of this Act, dis-

charged and free from all disabilities, disqualifications, restraints, and prohibitions, to which if this Act had not been passed, he would by force of any Act of this Island, or of any other law, have been subject as a person who had been admitted to the office of minister in the Anglican Church in this Island, and from all jurisdiction, penalties, censures, and proceedings, to which if this Act had not been passed, he would or might under any Act or any other law have been amenable or liable in consequence of his having been so admitted, and of any act or thing done or omitted by him after such admission.

Copy of said deed
good evidence.

91. A copy of the record in the registry of a diocese of a deed of relinquishment under this Act duly extracted and certified by the Registrar of the Bishop, shall be evidence of the due execution, record, and recording of the deed and of the fulfilment of all the requirements of this Act in relation thereto. The Registrar of the Bishop shall on the application of the person executing the deed, give him a copy of the record thereof duly extracted and certified on payment of a fee of ten shillings for the recording and copy thereof.

Clerk and Sexton

Appointment of
clerk and sexton.

92. Whenever the office of clerk or sexton respectively becomes vacant in any of the parishes, the Vestry of such parish shall provide out of the parochial funds a fit and proper salary for the person elected to fill such vacancy; and such person shall not be entitled to demand or recover by process of law any fee whatever.

Services.

93. The Governor-in-Executive Committee is hereby authorised and empowered at any time to call on the Bishop of the Anglican Church in this Island to draw up a prayer or prayers containing special intercession on behalf of the Governor and Council and the Legislature of the Colony; and such prayer or prayers shall be used in all Churches and Chapels throughout the Island at such place in the service as shall be appointed by the Bishop.

Form of prayer on behalf of legislature.

94. The Governor-in-Executive Committee is further hereby authorised and empowered to call on the Bishop, or it shall be lawful for the Bishop, of his own accord from time to time to frame such supplementary services or prayers as may be required for special occasions.

Supplementary services.

95. The shortened order for Morning Prayer or for Evening Prayer specified in Schedule three to this Act, may on any day except Sunday, Christmas Day, Ash Wednesday, Good Friday and Ascension day, be used in any Church or Chapel in lieu of the Order for Morning Prayer or for Evening Prayer, respectively prescribed by the Book of Common Prayer.

When shortened form of prayer may be used.

96. No omission whatever shall be lawful in the prescript form of Divine Service on Sundays and the aforementioned Holy-days but with the authority of the Bishop; provided, however that it shall be lawful for him at his discretion to authorise the omission of the Litany from the Order for morning prayer at such times as the Holy

No omissions lawful without Bishop's leave.

Communion is celebrated after morning prayer, provided also that the Litany shall be openly sung or said one Sunday at least in each month.

Special services.

97. Upon any special occasion approved by the Bishop there may be used in any Church or Chapel a special form of service approved by the Bishop, so that there be not introduced into such service anything except Anthems or Hymns, which does not form part of the Holy Scriptures or Book of Common Prayer.

Additional form of service.

98. An additional form of service varying from any form prescribed by the Book of Common Prayer may be used at any hour on any Sunday or Holy day in any church or chapel in which there are duly read, said, or sung as required by law on such Sunday or Holy-day at some other hour or hours the Order for Morning Prayer, the Litany, such part of the Order for the administration of the Lord's Supper or Holy Communion as is required to be read on Sundays and Holy days if there be no Communion, and the Order for Evening Prayer, so that there be not introduced into such additional service any portion of the Order for the Administration of the Lord's Supper or Holy Communion, or anything except anthems or hymns, which does not form part of the Holy Scriptures or Book of Common Prayer, and so that such form of service and the mode in which it is used is for the time being approved by the Bishop.

Separate services.

99. Whereas doubts have arisen as to whether the following forms of service, that is to say, the Order for Morning Prayer,

the Litany, and the Order for the administration of the Lord's Supper or Holy Communion, may be used as separate services, and it is expedient to remove such doubts : be it therefore enacted and declared, that with the consent of the Ordinary any or such forms of service may be used together or in varying order as separate services, or that the Litany may be said after the third collect in the Order for Evening Prayer, either in lieu of or in addition to the use of the Litany in the Order for Morning Prayer, and any of the said forms of services may be used with or without the preaching of a sermon or lecture, or the reading of a homily.

100. Whereas doubts have arisen as to whether a sermon or lecture may be preached without the common prayers and services appointed by the Book of Common Prayer for the time of day being previously read, and it is expedient to remove such doubts : Be it therefore enacted and declared that a sermon or lecture may be preached without the common prayers or services appointed by the Book of Common Prayer being read before it is preached, so that such sermon or lecture be preceded by any service authorised by this Act, or by the Bidding Prayer, or by a Collect taken from the Book of Common Prayer, with or without the Lord's Prayer.

Sermon or lecture may be preached without the services appointed provided certain forms are observed.

101. Whereas by the Act of the Imperial Parliament passed in the 34th and 35th year of Her Majesty's reign, called the "Prayer Book" (Table of Lessons) Act 1871, it is enacted that revised Tables of Lessons and

Revised tables of lessons.

such consequential alterations as may be necessary in the directions contained in the Book of Common Prayer, of the Church of England respecting the "Order how the rest of the Holy Scripture is appointed to be read as set forth in the Schedule" to the said Act annexed, and thereby authorised to be used, shall be printed and published in all Editions of the said Book of Common Prayer, and whereas it is expedient to continue the use of the said Tables of Lessons, and the said alterations in the said Book of Common Prayer, in the Anglican Church in this Island the same having been already by law authorised and adopted; Be it enacted that the use in the Anglican Church in this island of the said Tables of Lessons, and of the alterations so printed in the said editions of the Book of Common Prayer shall be continued and all Acts of this Island relating to the Book of Common Prayer, shall be construed to refer to such Book as altered by the said recited Act of the Imperial Parliament: Provided that the occasions wherein power to alter the appointed Psalms and Lessons is by this Act committed to the Ordinary shall be all occasions wherein the Ordinary shall judge that such alterations will conduce to edification.

Consecration of Churchyards, &c.

Form of instru- 102. Where any ground adjoining to an
ment for consecra- existing Churchyard has been or is added
tion of burial ground. thereto, the Bishop of the Diocese may, if
he thinks fit, at the Churchyard, or in the

Church to which it belongs, by his own hand or by the hand of some other person lawfully appointed as his Commissary, sign an instrument declaring or recording the Consecration of such ground, without the presence of the Chancellor or Registrar of the Diocese being necessary ; and the Signature of the Bishop to such instrument shall be attested by the Chancellor or by a Surrogate, or by any two Clergymen of the Diocese, and shall be in the following form, endorsed on a plan of the ground so added.

I A.B., Bishop of _____, do hereby declare and record the ground added to the Churchyard of _____ as on the within plan, to be consecrated ground and part of the said Churchyard ; and such instrument so signed and attested, on being deposited in the Registry of the Diocese, shall have the same effect as a sentence of Consecration.

103. No officer of the Bishop or of the Diocese shall receive any fee for attendance at such Consecration, or any allowance for travelling or for attendance. No fee for attendance at consecration.

104. A fee of five shillings shall be payable to the Registrar for the Deposit of every such instrument of Consecration. Registrar's fee.

105 Any lands or hereditaments adjoining any Churchyard or Burial Place may be conveyed for the purpose of adding thereto by a Deed in the form following, with such variations (if any) as the circumstances of the case may require : Form of conveyance.

I (or we, or the corporate title of a Corporation) under the authority of "the Anglican Church (Barbados) Act, 1891," do

(G)

hereby freely and voluntarily give, grant, and convey, or as the case may be, do hereby in consideration of the sum

to me, or us, or the

paid, grant, and convey unto the person or persons, or Corporation sole or aggregate in whom the Churchyard or the Burial Place known as of is now vested, his or their heirs or successors, all (describing the hereditaments to be conveyed) and all right, title, and interest in the same and every part thereof, to be held forever as part of the said Churchyard or Burial place."

And every such conveyance shall be valid and effectual in the law to all intents and purposes.

Renders valid all rites celebrated in any church or chapel which may have been partly destroyed re-built or enlarged.

106. And whereas doubts are entertained whether, in cases where a Church or Chapel has been rebuilt, repaired, or enlarged, and the external walls have been partly destroyed, or the position of the Communion Table, altered, a re-consecration of such Church or Chapel be not necessary, in order to the due and valid administration of Divine offices there: Be it declared and enacted, that all Marriages, Rites, and Ceremonies heretofore or hereafter celebrated or performed in a consecrated Church or Chapel, which may have been rebuilt, repaired, or enlarged prior to such celebration or performance, and wherein such Marriages, Rites and Ceremonies might have been legally solemnized or performed previously to such re-building, repair, or enlargement, shall be valid and effectual for all purposes, notwithstanding that upon such repair or

enlargement the external walls of such Church or Chapel may not have remained entire, or the position of the Communion Table, may have been altered, and notwithstanding that since such re-building, repair, or enlargement, no re-consecration of such Church or Chapel may have taken place.

107. It shall not be lawful to hold any election, either of members to serve in the General Assembly or of Vestrymen of the different parishes, in any of the churches or chapels or licensed places of worship, in this Island ; and every election held in any church or chapel, or licensed place of worship, contrary to the provisions of this Act, shall be void. **Elections of Assemblymen &c. in churches &c. void.**

Repeal.

108. The several Acts mentioned in schedule four of this Act are hereby repealed, provided that

(1.) Any rule, order, bye-law, form of prayer now in force whether made under any enactment hereby repealed or not, shall continue in force until otherwise provided, and

(2.) Any officer appointed under any enactment hereby repealed shall continue and be deemed to have been duly appointed under this Act ; and

(3.) Any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment in this Act.

- (4.) This repeal shall not affect,
- (a.) The past operation of any enactment hereby repealed nor anything duly done or suffered under any enactment hereby repealed ; or
 - (b) any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed ; or
 - (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactments hereby repealed ; or
 - (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty forfeiture, or punishment as aforesaid ; and any such investigation, legal proceeding and remedy may be carried on as if this Act had not passed ; or
 - (e) any Act in which the enactments hereby repealed have been applied, incorporated, or referred to.
- (5.) This repeal shall not revive any enactment, right, office, privilege, matter or thing not in force or existing at the passing of this Act.

SCHEDULE I.

Whereas on the day of
in the year of our Lord one thousand eight
hundred and a commission was
issued by us, the Bishop of Barbados under
the provisions of "The Anglican Church
(Barbados) Act 1891", and in their return

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thereto to the commissioners stated that in
their opinion the resignation of the said
was expedient,

We, , by divine per-
mission Bishop of Barbados do declare the
said benefice void of the person of the said
to all intents and
purposes of the law, on and after the
day of

As witness our hand this day of
in the year 18 .

Witness to the signature of the Bishop,

SCHEDULE II.

FORM OF RELINQUISHMENT.

Know all men by these presents that I,
A. B. of having been
admitted to the office of Priest
(or Deacon as the case may be) in the
Anglican Church in this Island, and having
resigned, (here to be inserted description of
late preferment if any) do hereby in pur-
suance of "The Anglican Church (Barbados)
Act 1891" declare, that I relinquish all
rights, privileges, advantages, and exemptions
of the office as by law belonging to it. In
witness whereof I have hereunto set my
hand and seal this day of
18

(Signed) A. B. (L.S.)

Executed by A. B. in the presence of
C. D. (address and description of
witness)

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SCHEDULE III.

NOTE.—The Minister using the shortened Order for Morning Prayer or for Evening Prayer in this schedule, may in his discretion add in its proper place any exhortation, prayer, canticle, hymn, psalm, or lesson contained in the Order for Morning Prayer or for Evening Prayer in the Book of Common Prayer and omitted or authorised to be omitted from such shortened order.

Each of the twenty two portions into which the One hundred and nineteenth Psalm is divided in the Book of Common Prayer shall be deemed for the purposes of this schedule to be a separate psalm.

SHORTENED FORM OF SERVICE.

THE SHORTENED ORDER FOR MORNING PRAYER DAILY THROUGHOUT THE YEAR, EXCEPT ON SUNDAY, CHRISTMAS DAY, ASH WEDNESDAY, GOOD FRIDAY, AND ASCENSION DAY.

At the Beginning of Morning Prayer the Minister shall read with a loud voice some one or more of these sentences of the Scripture that follow :—

When the wicked man, &c.

A general Confession to be said of the whole Congregation after the Minister, all kneeling.

Almighty and most merciful Father, &c.

The Absolution and Remission of Sins, to

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*be pronounced by the Priest alone, standing ;
the people still kneeling.*

Almighty God, the Father, &c.

*The people shall answer here, and at the
end of all other prayers, Amen.*

*Then the Minister shall kneel, and say the
Lord's Prayer with an audible voice ; the
people also kneeling, and repeating it with
him.*

Our Father, which art in Heaven, &c.

Then likewise he shall say,

O Lord, open thou our lips, &c. &c. &c.

Here all standing up the Priest shall say,

Glory be to the Father, &c.

*Then shall follow one or more of the
Psalms appointed. And at the end of every
Psalm throughout the year, and likewise at
the end of Benedicite, Benedictus, Magnificat
and Nunc dimittis, shall be repeated,*

Glory be to the Father, &c.

*Then shall be read distinctly, with an
audible voice, either the First Lesson taken
out of the Old Testament as is appointed
in the Calendar, or the Second Lesson taken
out of the New Testament, except there be a
Proper Lesson assigned for that day, in*

which case the Proper Lesson shall be read, and if there are two Proper Lessons each shall be read in its proper place ; he that readeth so standing and turning himself as he may best be heard of all such as are present.

Note that before every Lesson the Minister shall say, Here beginneth such a chapter, or verse of such a chapter, of such a Book. And after every Lesson, Here endeth the Lesson, or the First, or the Second Lesson.

And after the Lesson, or between the First and Second Lesson, shall be said or sung in English one of the following :

Either the Hymn called,

Te Deum Laudamus.

We praise thee, O God, &c.

Or this Canticle

Benedicite, omnia opera.

O all ye works of the Lord, &c.

Or the Hymn following (except when that shall happen to be read in the Lesson for the day, or for the Gospel on Saint John Baptist's Day.)

Benedictus St. Luke 1, 68.

Blessed be the Lord God of Israel, &c.

Or this Psalm :

Jubilate Deo.

O be joyful in the Lord, all ye lands, &c.

Then shall be sung or said the Apostle's Creed by the Minister and the people standing, I believe in God the Father Almighty, &c.

And after that, the people all devoutly kneeling, the Minister shall pronounce with a loud voice,

The Lord be with you.

Answer. And with thy spirit.

Minister. Let us pray.

Then the Priest shall say,

O Lord, shew thy mercy upon us, &c. &c. &c.

Then shall follow three Collects. The first of the day, which shall be the same that is appointed at the Communion ; the second for Peace ; the third for Grace to live well, and the two last Collects shall never alter but daily be said at Morning Prayer throughout all the year, as followeth, all kneeling :

The second Collect for Peace.

O God who art the Author of peace, &c.

The third Collect for Grace.

O Lord, our heavenly Father, &c.

Here may follow an Anthem or Hymn :

Then these two Prayers following :

A Prayer of Saint Chrysostom.

Almighty God, who hast given us grace, &c.

2, Corinthians, XIII.

The Grace of Our Lord Jesus Christ, &c.

Here endeth the Shortened Order of Morning Prayer.

THE SHORTENED ORDER FOR EVENING PRAYER DAILY THROUGHOUT THE YEAR, EXCEPT ON SUNDAY, CHRISTMAS DAY, ASH WEDNESDAY, GOOD FRIDAY, AND ASCENSION DAY.

(H)

At the beginning of Evening Prayer the Minister shall read with a loud voice some one or more of these sentences of the Scriptures that follow :

When the wicked man, &c.

A general Confession to be said of the whole Congregation after the Minister, all kneeling.

Almighty and most merciful Father, &c.

The Absolution or Remission of Sins, to be pronounced by the Priest alone, standing ; the people still kneeling.

Almighty God, the Father, &c.

Then the Minister shall kneel and say the Lord's Prayer ; the people also kneeling, and repeating it with him.

Our Father, which art in heaven, &c.

Then likewise he shall say,

O Lord, open thou our lips.

Here all standing up, the Priest shall say.

Glory be to the Father, &c.

Then shall be said or sung one or more of the Psalms in order as they be appointed. Then either a Lesson of the Old Testament as is appointed, or a Lesson of the New Testament as it is appointed except there be

a Proper Lesson assigned for that day, in which case the Proper Lesson shall be read and if there are two proper lessons each shall be read in its proper place ; and after the Lesson, or between the first and Second Lessons, shall be said or sung in English one of the following :

Either Magnificat, or the song of the Blessed Virgin Mary, in English, as follows :

Magnificat, St. Luke I. ;

My soul doth magnify the Lord, &c.

Or this Psalm (except it be on the nineteenth day of the month, when it is read in the ordinary course of the Psalms):

Cantate Domino. Psalm xcvi.

O sing unto the Lord a new song, &c.

or Nunc Dimittis (or the song of Simeon,) as followeth,

Nunc Dimittis, St. Luke ii 29.

Lord now lettest thou thy servant, &c.

Or else this Psalm (except it be on the twelfth day of the month) :

Deus Misereatur. Psalm lxxv.

God be merciful unto us, and bless us, &c.

Then shall be said or sung the Apostles Creed by the Minister and the people, standing :

I believe in God the Father Almighty, &c.

And after that, the people all devoutly kneeling, the Minister shall pronounce with a loud voice,

The Lord be with you

Answer. And with thy spirit.

Minister. Let us pray

Then the Priest shall say,

Oh Lord, show thy mercy upon us, &c., &c.

Then shall follow three Collects. The first of the day; the second for peace; the third for aid against all perils, as hereafter followeth; which two last Collects shall be daily said at Evening Prayer without alteration.

The second Collect at Evening Prayer.

O God from whom all holy desires, &c.

The third collect for Aid against all Perils.

Lighten our darkness, &c.

Here may follow an Anthem or Hymn.

A Prayer of Saint Chrysostom.

Almighty God, who hast given us grace, &c.

2 Corinthians xiii.

The grace of our Lord Jesus Christ, &c.

Here endeth the Shortened Order of Evening Prayer.

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SCHEDULE IV.

Date of Act	Title of Act.	Extent of Repeal.
15 August 1719	An Act to quiet the minds of the inhabitants of this island against the terrors and apprehensions they lie under of a Spiritual Court ; and to provide that no Ecclesiastical Law, or Jurisdiction shall have power to enforce, confirm, or establish any penal Mulet or Punishment in any case whatsoever, within this island.	The Whole Act
7 June 1825	An Act for establishing Spiritual and Ecclesiastical Jurisdiction over the Clergy of this island.	The Whole Act
21 March 1826	An Act to increase the Stipends of the beneficed Clergy of this island.	The whole Act.

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13 March 1838	An Act to prevent the holding of Elections in the Parish Churches, and to alter the mode of giving Notices herein during Divine Service.	Section 1
24 July 1851	An Act to alter and amend the Act respecting the Fees of the Rectors, Clerks and Sextons of the several Parish Churches of this island.	The Whole Act
16 March 1859	A Declarative Act respecting the Rights and Jurisdiction of the present Bishop of Barbados.	The whole Act.
17 December 1862	An Act to make provision for the Stipends of the Curates of the Established Church in this island	The whole Act.
17 January 1870	An Act to provide a Curate for the Chapel of Saint John Baptist in the Parish of Saint James.	The whole Act

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SCHEDULE IV.

Date of Act.	Title of Act.	Extent of Repeal.
10th Octob'r 1871	An Act to grant public aid to the Wesleyan Mission established in this Island, and to continue until altered or repealed by an Act of the Legislature of this Island, the Acts of the 17th December, 1862, entitled "An Act to make provision for the stipends of the Curates of the Established Church in this Island" of the 17th January, 1870, entitled "An Act to provide a Curate for the Chapel of Saint John Baptist, in the Parish of Saint James."	The whole Act.
12th June, 1872	An Act to make provision for the appointment of a Bishop to exercise supervision over the Clergy of the Anglican Church in this	The whole Act.

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	island : and to remunerate Bishop Parry for his services whilst in charge of the Diocese of Barbados	
5th Feby. 1875	An Act relating to Curacies of the Anglican Church in this Island.	The whole Act.
5th Feby. 1875	An Act relating to the Consecration of Churchyards	The whole Act.
19th April, 1875	An Act to declare the Subscriptions and Declarations to be made, and Oaths to be taken by the Clergy of the Anglican Church in this Island.	The whole Act.
17th Jany. • 1876	An Act to make provision for the special mention of the Governor and Council and the Legislature of the Colony in the Divine Service of the Anglican Church, and to authorise the use of shortened and special services and of the New Table of Lessons in the same Church.	The whole Act.

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SCHEDULE IV.

Date of Act.	Title of Act.	Extent of Repeal.
31st May, 1876	An Act for the relief of persons admitted to the office of Priest or Deacon in the Anglican Church in this Island.	The whole Act.
14th March 1884	An Act to amend "An Act to make provision for the stipends of the Curates of the Established Church in this Island.	The whole Act
25 March 1885	An Act to alter and amend "The Bishop's Appointment Act," 1872.	The whole Act
2 July 1886	An Act to alter and amend the law relating to the appointment of Curates in this Island.	The whole Act
9 October 1886	A Act to declare the status of Curates of the Anglican Church in this Island and to pro-	The whole Act

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	vide for a more accurate delimitation of the districts under the immediate care of such Curates, and to designate them Vicars.	
19 October 1886	An Act to establish and incorporate a Dean and Chapter for the Cathedral Church of St. Michael in this Island, and to provide for the better defining and regulating of the duties rights and privileges of the said Dean and Chapter	The whole Act
20 November 1886	An Act to make better provision for the discipline of the Clergy of the Anglican Church in this Island.	The whole Act
9 March 1888	An Act to incorporate the Diocesan Synod of Barbados	The whole Act
3 July 1889	An Act to enable Clergymen permanently incapacitated by illness to resign their benefices with provision of pensions.	The whole Act.

CAP. LXXX

(Assented to 16th October 1891)

BARBADOS.

An Act to extend the time granted to the Barbados Water Supply Company, Limited, to complete their works.

WHEREAS it is deemed expedient to extend the time granted to The Barbados Water Supply Company, Limited, for completing their works; Be it enacted by the Governor, Council, and Assembly of this Island and by the authority of the same, as follows;

1. This Act may be cited as "The Water Supply Company Act, 1886, amendment Act, 1891." Short title.

2. The time fixed for the completion of the works of the said company is hereby extended from the thirty first day of December one thousand eight hundred and ninety one to the thirty first day of December one thousand eight hundred and ninety two. Extension of time for completion of works.

CAP. LXXXI.

(Assented to 30th October, 1891.)

BARBADOS.

An Act to amend "The Pension Act, 1890."

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:

1. This Act may be cited as "The Pension Act 1890, Amendment Act 1891.

2. The following sub-section shall be added to section 5 of "The Pension Act, 1890," (hereinafter called the principal Act,) that is to say

(2) Any pension payable under this Act shall, except as in this Act may be otherwise provided for, be absolutely discharged and Pensions protected against claims arising out of trans-

actions prior in
date to retirement.

protected from all claims in respect of transactions entered into with any public officer prior to the date of his retirement from the service of the Crown.

3. The following sub-section shall be added to section six of the principal Act, that is to say;

How pensions to
Rector, vicar, or
curate computed.

In computing the pension to be payable under the preceding section to any rector, vicar, or curate the value of the glebe lands and rectory or house, or the allowance for house rent respectively, shall be taken into account as forming part of his income, as follows:—the annual value of the glebe and rectory in the case of a rector shall be deemed to be one hundred pounds, and the annual value of the house or allowance for house rent respectively in the case of a vicar or curate shall be deemed to be forty pounds.

4. The following section shall be inserted in the principal Act, after section 8, that is to say

Restrictions on
enjoyment of pen-
sion along with sal-
ary for efficient
services.

Any person enjoying any pension under the provisions of this Act, who shall hereafter, with his consent, be appointed to fill any other public office, whether appointed thereto by the Governor or by any other person or persons, having authority to appoint thereto, shall cease to be paid any such pension for any period subsequent to such appointment, if the annual amount of the profits of the office, to which such person shall be appointed, shall be equal to those of the office formerly held by him; and in case they shall not be equal to those of his former office, then no more of such pension shall be paid to such person than what with the salary or emoluments of such person's new appointment shall be equal to that or those of his former office, unless under very special circumstances, the Gov-

error-in-Executive Committee shall see reason to make an exception in his favour.

5. Section 16 of the principal Act shall be and is hereby repealed, and the following section shall be substituted for it, that is to say,

(1.) If any public officer so assured continues on service in this Island until he retires from the service of the Crown, or dies, and retires from such service after the termination of the endowment period, the amount assured by his policy and all accumulations thereon by way of bonus, or otherwise, shall be paid to him, or to his legal personal representative respectively, Amount of policy payable to officer or his legal personal representative.

(2) The amount assured by the policy, and any accumulations thereon by way of bonus or otherwise, shall except as in this Act is otherwise provided for be received and held by such officer, or legal personal representative respectively, absolutely discharged and protected from the claims of creditors in respect of transactions entered into with the assured prior to the date of such retirement or death respectively. Policy moneys protected against claims arising out of transactions prior in date to death or retirement.

6. Section 18 of the principal Act shall be and is hereby repealed, and the following section shall be substituted therefor, that is to say,

If any public officer so assured continues on service in this Island until he retires from the service of the Crown and retires from such service before the termination of the endowment period for any other reason than that mentioned in the last preceding section of this Act, one half of the surrender value of the policy effected by him shall be paid to him on his retirement. Rights of officer on retirement while in this island but before the end of the endowment period owing to any cause other than incapacity.

Provided always that any officer who retires from service in this Island by reason of the abolition of the office he held, shall have the option of taking the full surrender

Proviso.

value of the policy effected by him or of having the policy assigned to him by the Governor for the time being, and in the event of such assignment being made, no part of the premium payable thereafter on such policy shall be payable out of the public treasury.

7. Sections 13 and 22 of the principal Act shall be and are hereby repealed, and for section 22 so repealed, the following section shall be substituted, that is to say

Premium paid by treasurer and officers moiety deducted by 12 equal monthly sums.

The whole of each annual premium payable in respect of every policy issued under this Act shall be paid out of the public treasury so long as the officer thereby assured holds any office in this island, and the colonial treasurer is hereby authorised and required to deduct one-half of the annual premium so paid by twelve equal monthly instalments from the salary of such public officer.

Lien for unpaid portion of such moiety.

(2.) On the death, retirement, or dismissal from the service of such public officer, the colonial treasurer shall, in respect of any premium paid by him as aforesaid on account of the insured, have the first lien on any unpaid salary and also on any moneys payable to the assured, or his representatives, on any policy issued under this Act.

Powers and duties of commissioners for revising laws.

8. In preparing and printing the new edition of the laws of Barbados the Commissioners shall make the several alterations, additions, amendments and omissions required by this Act in and to the principal Act, and shall renumber the sections of such Act as far as may be necessary; and when the alterations, additions, amendments and omissions required to be made by this Act have been made, the Commissioners shall omit this Act from such new edition of the laws.

Acts read together.

9. This Act and the principal Act shall be read as one Act.

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BARBADOS.

*An Act to amend the law relating to
Friendly Societies.*

BE it enacted by the Governor, Council and Assembly of this Island and by the authority of the same as follows :

1. This Act may be cited as "The Friendly Societies Act, 1891." Short Title..

2. In this Act if not inconsistent with Interpretation.
the context the following terms shall have the meanings hereinafter respectively assigned to them, namely

"Land" shall include hereditaments of whatever description and chattels real,

"Property" shall mean all real and personal estate including books and papers.

"Registered Society" shall mean a Society registered or deemed to be registered under this Act.

"Amendment of rule" shall include a new rule and a resolution rescinding a rule.

"Rules" shall mean rules for the time being.

"Branch" shall mean any number of the members of a society under the control of a central body having a separate fund administered by themselves or by a Committee or Officers appointed by themselves.

"Persons claiming through a member" shall include the heirs, executors, administrators and assigns of a member and also his nominees where nomination is allowed.

"Officer" shall include any trustee, treasurer, secretary or member of the Committee of Management of a Society or person appointed by the Society to sue and be sued on its behalf.

"Meeting" shall include (where the rules of a Society so allow) a meeting of delegates appointed by members.

Appointment &c. of Registrar.

Registrar.

8. It shall be lawful for the Governor to appoint a fit and proper person being a barrister of not less than two years or a Solicitor of not less than five years standing to be Registrar of Friendly Societies.

Salary of

4. (1) The Registrar shall receive out of the public treasury on the warrant of the Governor-in-Executive Committee by equal monthly instalments the annual salary of £100.

Scale of fees.

(2.) The Chief Justice shall from time to time settle and allow the fees to be paid to the Registrar for the performance of any duty required by him under this Act: and such fees shall be prepaid to the Registrar and shall be by him paid into the public treasury to the credit of the general revenue.

Fees payable into treasury.

(3) The Registrar shall pay monthly into the public treasury the fees received by him up to the date of such payment;

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he shall also keep a strict account of such fees and all his books of accounts shall be open to the inspection of the Auditor General.

5. The cost of all books stationery and Stationery &c, sup- postage for the Registrar's office shall be plied at public cost. furnished at the public cost.

6. The Registrar shall every half-year Half yearly reports send to the Governor for the information by registrar. of the Legislature a Report shewing.

(1) the number of Societies on the register.

(2) how many Societies (if any) have been registered during the half-year covered by his Report.

(3) the changes or amalgamation (if any) which have been made during such half-year in or by any registered Societies.

(4) how many applications for registration (if any) have been refused during such half-year.

(5) how many Societies have been struck off the register during such half-year.

(6) the fees received by him during such half-year under this Act and in respect of what each fee has been received.

and (7) any other matter or thing connected with this Act and his duties there- under which the Registrar may deem fit to mention.

Existing Societies.

7. No Friendly or other Benevolent So- Societies incorpor- ciety which has been incorporated under ated by Act not to any special Act of this Island shall so long be registered.

as such special Act continues in force be registered under this Act.

Societies registered under repealed Act deemed registered under this Act.

8. Every Society now existing which has been registered under "The Friendly and Benevolent Societies Act 1880" shall be deemed to be a Society registered under this Act and its rules shall so far as the same are not contrary to any express provision of this Act continue in force until altered or rescinded.

Registration of societies.

9. Every unregistered Society now existing and being a Society which can be registered under this Act, shall, on an application to the Registrar being made in writing signed by a majority of those members thereof whose contributions or subscriptions to the fund thereof are not in arrear be registered under this Act and the rules of any Society so registered shall so far as the same are not contrary to any provision of this Act continue in force until altered or rescinded.

Societies which may be registered.

Societies which may be registered.

10. The following Societies may be registered under this Act, namely ;

(1) Societies established to provide by voluntary subscriptions of the members thereof with or without the aid of donations (a) for the relief or maintenance of the members, their husbands, wives, children, fathers, mothers, brothers, or sisters, nephews or nieces, or wards being orphans during sickness or other infirmity whether bodily or mental in old age (which shall mean any

age after sixty) or in widowhood or for the relief or maintenance of the orphan children of members during minority (which shall mean until they attain eighteen years of age)

(b) for ensuring money to be paid on the birth of a member's child, or on the death of a member or for the funeral expenses of the husband, wife, parent or child of a member or of the widow of a deceased member.

(c) for the relief or maintenance of the members when on travel in search of employment or when in distressed circumstances or in case of shipwreck or loss or damage of or to boats or nets.

(2) Societies for any purpose which shall be authorised by the Governor-in-Executive Committee as a purpose to which the powers and facilities of this Act ought to be extended: provided always that notice of such authorisation shall be inserted in the Official Gazette. Specially authorised societies.

11 Every Society consisting of more than six persons and being a Society belonging to any of the classes mentioned in the last preceding section which shall be formed after the passing of this Act shall be registered under this Act and if not so registered every officer thereof shall for each day during which such Society is unregistered incur a penalty not exceeding five pounds which may be recovered summarily by any person whether a member of such Society or not—and be applied by him to his own use; provided always that no Society shall for the purposes of this section be deemed unregistered if an application to register the same Penalty for non-registration.

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has been made to and is under the consideration of the Registrar.

Registry of Societies.

- Conditions precedent to registration.** 12. With respect to the registry of Societies the following provisions shall have effect :
- To consist of seven persons at least.** (1) no Society can be registered under this Act which does not consist of seven persons at least.
- Application for registry.** (2) for the purpose of registry an application to register the society signed by seven members and the Secretary and written or printed or partly written and partly printed copies of the rules together with a list of the names of the secretary and of every trustee or other officer authorised to sue and be sued on behalf of the society shall be sent to the registrar.
- Identical or deceptive familiarity of name not allowed.** (3) No society shall be registered under a name identical with that under which any other existing society is registered or so nearly resembling such name as to be likely or in any name likely in the opinion of the Registrar to deceive the public or the members as to its nature or its identity ; and no society shall change its name without the sanction of the Registrar as after provided.
- Dividing societies may be registered.** (4) a society shall not be disentitled to registry by reason of any rule for or practice of dividing any part of the funds thereof if the rules thereof contain distinct provisions for meeting all claims upon the society existing at the time of division before any such division takes place.
- (5) in the case of any society assuring to any member an annuity or payment

the Registrar shall have power to require the tables of contributions for such assurance to be submitted to and certified as satisfactory by some accountant approved of by him before such society is registered, and for examining such tables and giving a certificate of the results of his examination such accountant shall be entitled to receive from the society a fee not exceeding two guineas.

(6) the Registrar on being satisfied that a society has complied with the provisions as to registry in force under this Act shall issue to such society an acknowledgment of registry.

Societies assuring annuities or payments to have tables certified by an accountant.

Acknowledgment of registry.

(7) if the Registrar refuse to register a society or any rules he shall give his reasons for doing so and the society may appeal from such refusal within fourteen days after to the Chief Justice in chambers and the Chief Justice may make rules or orders as to the form of appeals and costs thereof, the trying thereof and otherwise relating thereto.

Appeals from refusal to register.

(8) if the refusal of registry be overruled on appeal an acknowledgment of registry shall thereupon be given to the society by the Registrar.

Appeal allowed, and acknowledgment issued.

(9) the acknowledgment of registry shall be conclusive evidence that the society therein mentioned is duly registered, unless it be proved that the registry of the society has been suspended or cancelled.

Effect of acknowledgment of registry.

Cancelling and suspension of registry.

13. With respect to the cancelling or suspension of registry the following provisions shall have effect: .

Cancelling.

(1) The Registrar may cancel the registry of a society by writing under his hand;

(a) If he thinks fit at the request of a society to be evidenced in such manner as he shall from time to time direct ;

(b) With the approval of the Chief Justice on proof to his satisfaction that an acknowledgment of registry has been obtained by fraud or mistake or that a society exists for an illegal purpose, or has wilfully and after notice from the Registrar violated any of the provisions of this Act, or has ceased to exist.

Suspension.

(2) The registrar, in any case in which he might with the approval of the Chief Justice cancel the registry of a society, may suspend the same, by writing under his hand for any term not exceeding three months, and may with the approval of the Chief Justice renew such suspension from time to time for the like period.

Notice of cancelling or suspension.

(3) Not less than one month's previous notice in writing specifying briefly the ground of any proposed cancelling or suspension of registry, shall be given by the registrar to a society before the registry of the same can be cancelled (except at its request) or suspended; and notice of every cancelling or suspension shall be published three times in the Official Gazette, as soon as practicable after the same takes place.

Appeal from cancelling or suspension.

(4) A society may appeal from the cancelling of its registry, or from any suspension of the same which is renewed after six months

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in manner herein provided for appeal from the registrar's refusal to register.

(5) A society whose registry has been suspended or cancelled shall from the time of such suspension or cancelling (but if suspended only while suspension lasts and subject also to the right of appeal hereby given) absolutely cease to enjoy as such the privileges of a registered society, but without prejudice to any liability actually incurred by such society which may be enforced against the same as if such suspension or cancelling had not taken place.

Effect of cancelling or suspension.

Rules and amendments.

14. With respect to the rules of societies the following provisions shall have effect:

Provisions to be contained in rules.

(1.) The rules of every society sent for registry shall contain provisions in respect of the several matters mentioned in schedule one to this Act.

(2.) No amendment of a rule made by a registered society shall be valid until the same has been registered under this Act for which purpose copies of the same signed by three members and the secretary shall be sent to the registrar.

Amendments to be registered.

(3.) The provision herein contained as to appeals from a refusal of registry shall apply to amendments of rules.

Provision applicable to amendments.

(4.) The registrar shall on being satisfied that any amendment of a rule is not contrary to the provisions of this Act issue to the society an acknowledgment of registry of the same which shall be conclusive evidence that the same is duly registered.

Acknowledgment of registry of amendments.

Copies of rules to be delivered on demand. (5.) A copy of the rules of a registered society shall be delivered by the society to every person on demand on payment of a sum not exceeding one shilling.

Delivery of untrue rules. (6.) If any person with intent to mislead or defraud gives to any other person a copy of any rules regulations or other documents other than the rules for the time being registered under this Act on the pretence that the same are existing rules of a registered society or that there are no other rules of such society, or gives to any person a copy of any rules on the pretence that such rules are the rules of a registered society when the society is not registered, the person so offending shall be deemed guilty of a misdemeanor.

Duties and obligations of societies.

15. With reference to the duties and obligations of registered societies the following provisions shall have effect :

(1.) Every society shall

Registered office.

(a) have a registered office to which all communications and notices may be addressed, and send to the registrar notice of the situation of such office and of every change therein.

Appointment of trustees.

(b.) from time to time at some meeting of the society and by a resolution of a majority of the members present and entitled to vote thereat appoint one or more trustees of the society and send to the registrar a copy of every resolution appointing a trustee signed by the trustee so

appointed and by the secretary of the society.

- (c.) once at least in every year submit Audit. its accounts for audit either to some accountant nominated by the registrar or to two or more persons appointed as the rules of the society provide, which auditors shall have access to all the books and accounts of the society and shall examine the general statement of the receipts and expenditure funds and effects assets and liabilities of the society and verify the same with the accounts and vouchers relating thereto and shall either sign the same as found by them to be correct duly vouched and in accordance with law, or specially report to the society in what respects they find it incorrect unvouched or not in accordance with law.
- (d.) once in every year before the Annual returns. first day of June send to the registrar a general statement (to be called the annual return) of the receipts and expenditure funds and effects assets and liabilities of the society as audited which shall shew separately the expenditure in respect of the several objects of the society and shall be made out to the thirty first day of December then last inclusively, and a copy of the auditor's report (if any) shall also be sent to the registrar with such general statement and such annual

return shall state the name address and calling or profession of the person or persons by whom the audit has been conducted and the manner in which and the authority under which he or they was or were appointed.

**Annual return for
Blue Book.**

- (e) once in every year before the first day of June send to the Registrar a statement in the form contained in schedule two to this Act, and the blank forms for such returns shall be supplied to the Registrar by the Colonial Secretary for distribution among the several societies.

Inspection of books.

- (f.) allow any member or person having an interest in the funds of the society to inspect the books at all reasonable hours at the registered office of the society or at any place where the same are kept except that no such member or person unless he be an officer of the society or be specially authorised by a resolution of the society to do so shall have the right to inspect the loan account of any other member without the written consent of such member.

**Supply gratuitously
of copy of annual
return.**

- (g.) supply gratuitously every member or person interested in the funds of the society on his application with a copy of the last annual return of the society for the time being.
- (h) keep a copy of the last annual balance sheet for the time being

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together with the report of the Annual return, and auditors always hung up in a conspicuous place at the registered office of the society.

This subsection shall apply to a registered branch of a society as if it were a registered society except that every notice, copy of a resolution and annual return required by this sub-section to be sent to the registrar shall be sent through an officer appointed in that behalf by the society of which the branch forms part.

(2.) No society shall pay any sum of money upon the death of a member or other person except upon the production of a certificate of the burial of such person under the hand of the clergyman or minister officiating or other person having the care of the register of burials in which such burial is entered or in the case of persons whose burial is not required to be entered in any register under the hands of two persons present at such burial; provided always that this subsection shall not apply to deaths at sea.

(3.) It shall be an offence under this Act if any registered society or any officer or member thereof;

(a.) fails to give any notice send any return or document or do or allow to be done any act or thing which the society, officer or person is by this Act required to give send do or allow to be done

(b.) wilfully neglects or refuses to do any act or furnish any information required for the purpose of this Act by the registrar or any other person

Certificate of burial to be required before payment.

Offences.

authorised under this Act or does any act or thing forbidden by this Act.

- (c.) makes a return or wilfully furnishes information in any respect false or insufficient.

Offences by societies to be also offences by officers. (4.) Every offence by a society under this Act shall be deemed to have been also committed by every officer of the same bound by the rules thereof to fulfil any duty whereof such offence is a breach, or if there be no such officer then by every member of the committee of management of the same unless such member be proved to have been ignorant of, or to have attempted to prevent the commission of such offence, and every default under this act constituting an offence if continued constitutes a new offence in every week during which the same continues.

Returns to be in prescribed forms.

(5.) Every annual or other return and other document required for the purposes of this Act shall be made in such form and shall contain such particulars as the registrar prescribes.

Recording of documents.

(6.) All documents by this section required to be sent to the registrar shall be deposited with the rules of the societies to which the same respectively relate and shall be registered or recorded by the registrar with such observations thereon (if any) as he may think fit.

Privileges of Societies.

16. Registered societies shall be entitled to the following privileges;

- (1.) A member of a society not being

under the age of fifteen years may by writing Power of nomination under his hand delivered at or sent to the for sums not exceeding registered office of the society nominate any ing twenty pounds. person not being an officer or servant of the society (unless such officer or servant is the husband wife father mother child brother sister nephew or niece of the nominator) to whom any moneys payable by the society on the death of such member not exceeding twenty pounds shall be paid at his decease and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent; and on receiving satisfactory proof of the death of a nominator the society shall pay to the nominee the amount due to the deceased member not exceeding the sum aforesaid.

(2.) A nomination may be partly printed Form of nomination. and if made in a book kept at the office shall be taken to be delivered at such office.

(3.) If a member of any society who is entitled to make a nomination under this Act is illegitimate and has died intestate and without Payment of sums in case of intestacy of illegitimate member. having made any such nomination subsisting at his death, the committee of management may pay the sum which such member might have nominated to or among the person or persons who in the opinion of the majority of them would have been entitled thereto if such member had been legitimate or if there are no such persons then the deposits shall be dealt with as the Governor-in-Executive-Committee may direct.

(4.) All payments made by any committee Such payments valid. of management under the powers aforesaid shall be valid with respect to any demand of any other person as next of kin of a de-

ceased member, or as his lawful representative or person claiming to be such representative against the society but such next of kin representative or claimant shall have remedy for recovery of such money so paid as aforesaid against the person or persons who shall have received the same.

Distribution of sums not exceeding fifty pounds.

(5.) If any member of a society entitled from the funds thereof to a sum not exceeding fifty pounds dies intestate and without having made any nomination under this Act which remains subsisting and unrevoked at his death such sum shall on the expiration of one month after his death be payable without letters of administration to the person who appears to a majority of the committee of management upon such evidence as they may deem satisfactory to be entitled by law to receive the same.

Payment to persons apparently entitled valid.

(6.) Whenever the society after the decease of any member pays any sum of money to the person who at the time appears to the committee of management to be entitled under this section the payment is valid and effectual against any demand made upon the committee of management or the society, or by any other person.

Priority on death, bankruptcy &c of officer.

(7.) Upon the death or bankruptcy or insolvency of any officer of a society having in his possession by virtue of his office any money or property belonging to the society or if any execution attachment or other process be issued or action be begun against any such officer or against his property his heirs executors and administrators or the official assignee or trustee in insolvency or the provost-marshal or other person executing

such process or the party bringing such action shall upon demand in writing of the trustees of the society or any two of them or any person authorised by the society or by the committee of management of the same to make such demand pay such money and deliver over such property to the trustee of the society in preference to any other debts or claims against the estate of such officer.

Bankruptcy or insolvency in the present section includes liquidation of a debtor's affairs by arrangement or composition with his creditors and any assignment of all a debtor's property for the benefit of his creditors.

(8.) A person under the age of twenty-one but above the age of fifteen may be a member of a Society unless provision be made in the rules thereof to the contrary and may subject to the rules of the Society enjoy all the rights of a member (except as herein provided) and execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee of management trustee manager or treasurer of the Society.

(9.) A Society may subscribe out of its funds to any hospital infirmary, charitable or provident institution any annual or other sum which may be necessary to secure to members of the Society and their families the benefits of such hospital infirmary or other institution according to its rules.

Property and funds of Societies.

17. With respect to the property and

funds of registered Societies the following provisions shall have effect.

Investment of funds

(1.) The trustees with the consent of the committee of management or of a majority of the members of a society present and entitled to vote in general meeting may from time to time invest the funds of such society or any part thereof to any amount in any of the following ways:—

(a) In the Savings Bank up to such amount as can be by law therein deposited at interest.

(b) In the purchase of land or in the erection or alteration of offices, or other buildings thereon: the consent in writing of the Registrar in such form as he may determine having been previously obtained and in the case of providing offices the money shall be obtained by raising a special fund.

(c) Upon any other security expressly directed by the rules of the society not being personal security except as hereafter authorised with respect to loans.

Holding of land.

(2.) A society or any branch of a society may (if the rules thereof so provide) hold purchase or take on lease in the names of the trustees for the time being of such society or branch any land and may sell, exchange, mortgage, lease or build upon the same (with power to alter and pull down buildings and again rebuild) and may furnish the same, and no purchaser, assignee, mortgagee or tenant shall be bound to enquire as to the authority for any sale, exchange, mortgage or lease by the trustees and the receipt of the trustees shall be a

discharge for all moneys arising from or in connection with such sale, exchange, mortgage or lease; and for the purpose of this section no branch of a registered society need be separately registered; Provided that nothing herein contained shall authorise any benevolent society to hold land exceeding one acre in extent at any one time.

(3.) All property belonging to a society whether acquired before or after the same is registered shall vest in the trustees for the time being of the society for the use and benefit of the society and the members thereof and of all persons claiming through the members according to the rules of the society, and the property of any branch of a society shall vest wholly or partly in the trustees of such branch or of any other branch of which the same forms part (or if the rules of the society so provide in the trustees of the society) for the use and benefit either of the members of any such branch and persons claiming through such members or of the members of the society generally and persons claiming through them according to the rules of the society.

(4.) Upon the death resignation or removal of a trustee whether of a society or branch the property vested in such trustee vests in the succeeding trustees of such society or branch either solely or together with any surviving or continuing trustees and until the appointment of succeeding trustees in such surviving or continuing trustees only or in the executors or administrators of the last surviving or continuing

Property of society,
how vested.

Devolution on death
&c.

trustee as personal estate (whether the same be real or personal) subject to the same trusts without conveyance or assignment.

(5.) In all legal proceedings whatever concerning any such property the same shall be stated to be the property of the trustees for the time being in their proper names as trustees for the society or branch (as the case may be) without further description.

Discharge of mortgages by receipt endorsed.

(6.) A receipt under the hands of the trustees countersigned by the secretary in any form specified by the rules of the society or any schedule thereto for all moneys secured to the society by any mortgage or other assurance such receipt being endorsed upon or annexed to such mortgage or other assurance vacates the same and vests the property therein comprised in the person entitled to the equity of redemption of the same without reconveyance.

Registration of receipt.

(7.) If such mortgage or other assurance has been registered under any Act for the registration or record of deeds or titles the registrar under such Act shall on production of such receipt verified by oath of any person enter satisfaction on the register of such mortgage or of the charge made by such assurance and shall grant a certificate either upon such mortgage or assurance or separately to the like effect which certificate shall be received in evidence in all courts and proceedings without further proof and such registrar is entitled to receive for the benefit of the general revenue a fee of two

shillings and sixpence for making the said entry and granting the said certificate.

(8.) If any person obtains possession by Punishment of fraud false representation or imposition of any or misappropriation. property of a society or having the same in his possession withholds or misapplies the same or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society and authorised by this Act he shall on the complaint of the society or of any member authorised by the society or the trustees or committee of management of the same or in the case of a branch on the complaint of the central body of the society of which the branch forms part, or of any member of the society or branch authorised by the central body, or in any case on the complaint of any member of the society or branch authorised by the registrar, be liable on summary conviction to a penalty not exceeding twenty pounds and costs and to be ordered to deliver up all such property or to repay all moneys applied improperly and in default of such delivery or repayment or of the payment of such penalty and costs aforesaid to be imprisoned with or without hard labour for any time not exceeding three months; but nothing herein contained prevents any such person from being proceeded against by way of indictment if not previously convicted of the same offence under the provisions of this Act.

(9.) Trustees of a society are not liable Trustees not to be to make good any deficiency in the funds personally liable. of such society, but are liable only for

moneys actually received by them respectively on account of such society.

Loans to Members.

18. With respect to loans to members of registered societies the following provisions shall have effect:

Half of the amount of assurance on life of member may be advanced.

(1.) Not more than one half of the amount of an assurance on the life of a member of at least one full year's standing may be advanced to him on the written security of himself and two satisfactory sureties for repayment; and the amount advanced with all interest thereon may be deducted from the sum assured without prejudice in the meantime to the operation of such security.

Loans may be made out of separate loan fund.

(2.) A society may out of any separate loan fund to be formed by contributions or deposits of its members make loans to its members on their personal security with or without sureties as may be provided by the rules subject to the following restrictions.

(a) No loan can at any time be made out of moneys contributed for the other purposes of the society.

(b) No member shall be capable of holding any interest in the loan fund exceeding one hundred pounds.

(c) No society shall make any loan to a member on personal security beyond the amount fixed by the rules or shall make any loan which together with any moneys for the time being owing by a member to the society shall exceed fifty pounds.

(d) No society shall hold at any one time

on deposit from its members any moneys beyond the amount fixed by the rules which shall not exceed two thirds of the total sums for the time being owing to the society by the members who have borrowed from the loan fund.

19. The rules of a society may provide for accumulating at interest, for the use of any member of the same, any surplus of his contributions to the funds of the society which may remain after providing for any assurance in respect of which the same are paid and for the withdrawal of such accumulations from time to time. *Accumulating surplus of contributions for member's use.*

Securities of Officers.

20. With respect to officers of registered societies having receipt or charge of money the following provisions shall have effect: *Officers in receipt or charge of money.*

(1) The Treasurer and every other officer, if the rules of the society require, shall before taking upon himself the execution of his office, become bound with one sufficient surety at the least in a bond according to the form set forth in the third schedule to this Act or give the security of a guarantee society in such sum as the society directs conditioned for his rendering a just and true account of all moneys received and paid by him on account of the society at such times as its rules appoint or as the society or the trustees or committee of management thereof require him to do so and for the payment by him of all sums due from him to the society. *Security to be given.*

(2) Every such Treasurer and other officer. *Accounts of officers.*

cer his executors or administrators shall at such times as by the rules of the society he should render account or upon demand made or notice in writing given or left at his last or usual place of residence give in his account as may be required by the society or by the trustees or committee of management of the society to be examined and allowed or disallowed by them and shall on the like demand or notice pay over all moneys and deliver all property for the time being in his hands or custody to such person as the society or the committee of management or the trustees appoint, and in case of any neglect or refusal to deliver such account or to pay over such moneys or to deliver such property in manner aforesaid the trustees or authorised officers of the society may sue upon the bond or security before mentioned or may apply to any court having jurisdiction.

Legal proceedings.

21. With respect to legal proceedings against registered societies the following provisions shall have effect :

Officers may bring or defend &c any action in their proper names.

(1) The trustees of any society or branch or any other officer authorised by the rules thereof may bring or defend or cause to be brought or defended any action, suit or other legal proceeding in any court whatsoever touching or concerning any property right or claim of the society or branch as the case may be and shall sue and be sued implead and be impleaded in their proper names

without other description than the title of their office.

(2) In legal proceedings which may be brought under this Act by a member or person claiming through a member the society may also be sued in the name as defendant of any officer or person who receives contributions or issues policies on behalf of the society within the jurisdiction of the court in which the legal proceeding is brought with the addition of the words "on behalf of the society" (naming the same.)

Society may be sued by a member in the name of any officer who receives contributions &c.

(3) No legal proceeding shall abate or be discontinued by the death resignation or removal from office of any officer or by any act of such officer after the commencement of the proceedings.

Proceeding not to abate by death &c.

(4.) The summons writ process or other proceeding to be issued to or against the officer or other person sued on behalf of a society shall be sufficiently served by personally serving such officer or other person or by leaving a true copy thereof at the registered office of the society or at any place of business of the society within the jurisdiction of the court in which the proceeding is brought or if such office or place of business be closed by posting such copy on the outer door of the same; but in all cases where the said summons writ process or other proceeding shall not be served by means of such personal service or by leaving a true copy thereof at the registered office of the society a copy thereof shall be transmitted addressed to the committee of management at the registered office of the society and the same shall be enclosed in a

Service of summons &c.

registered letter posted at least six days before any further step shall be taken on such summons writ process or other proceeding.

Disputes.

22. Every dispute between a member or person claiming through a member or under the rules of a registered society, and the society or an officer thereof or between any registered branch under the Friendly Society Acts, or an officer thereof of any registered society or registered branch and the registered society or branch of which the other party to the dispute is a registered branch or an officer thereof or between any two or more registered branches of any registered society or branch or any officers thereof respectively shall be decided in manner directed by the rules of the society, and the decision so made shall be binding and conclusive on all parties without appeal and shall not be removable into any court of law or restrainable by injunction; and application for enforcement thereof may be made to the Assistant Court of Appeal in its original jurisdiction;

Provided as follows:—

- (a) The parties to a dispute in a society may by consent (unless the rules of such society expressly forbid it) refer such dispute to the registrar who shall hear and determine such dispute and shall have power to order the expenses of determining the same to be paid either out of the funds of the society or by such parties to the dispute as he shall think fit, and such determination and order shall have the same effect

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and be enforceable in like manner as a decision made in the manner directed by the rules of the society.

- (b) The registrar to whom any dispute is referred may administer oaths and may require the attendance of all parties concerned and of witnesses and the production of all books and documents relating to the matter in question; and any person refusing to attend or to produce any documents or to give evidence before such registrar shall be guilty of an offence under this Act.
- (c) When the rules of the society direct that disputes shall be referred to a police magistrate the dispute shall be determined by a court of summary jurisdiction; provided that in every case of dispute cognisable under the rules of a society by a court of summary jurisdiction it shall be lawful for the parties thereto to enter into a consent referring such dispute to the Assistant Court of Appeal in its original jurisdiction, which may hear and determine the matter in dispute.
- (d) Where the rules contain no direction as to disputes, or where no decision is made on a dispute within forty days after application to the society for a reference under its rules, the member or person aggrieved may apply either to the Assistant Court of Appeal in its original jurisdiction or to any other court of summary jurisdiction which may hear and determine the matter in dispute.

- (e) The Court or registrar may at the request of either party state a case for the opinion of the Court of Common Pleas on any question of law and may also grant to either party such discovery as to documents and otherwise or such inspection of documents as might be granted by any court of law or equity, such discovery to be made on behalf of the society by such officer of the same as such court or registrar may determine.

Special powers of registrar to be exercised on application from members.

28. Upon the application of one-fifth of the whole number of members of a registered society the registrar may—

Inspectors.

(1) Appoint one or more inspectors to examine into the affairs of such society and to report thereon who may require the production of all or any of the books and documents of the society and may examine on oath its officers, members, agents and servants in relation to its business and may administer such oath accordingly.

Special meetings.

(2) Call a special meeting of the society in such manner and at such time and place as the registrar may direct and may direct what matters shall be discussed and determined on at such meeting which shall have all the powers of a meeting called according to the rules of the society and shall in all cases have power to appoint its own chairman any rule of the society to the contrary notwithstanding.

Provided that—

- (a) The application herein mentioned shall be supported by such evidence for the

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purpose of showing that the applicants have good reason for requiring such inspection to be made or meeting to be called, and that they are not actuated by malicious motives in their application and such notice thereof shall be given to the society as the registrar shall direct.

- (b) The registrar may if he think fit require the applicants to give security for the cost of the proposed inspection or meeting before appointing any inspector or calling such meeting:
- (c) All expenses of and incidental to any such inspection or meeting shall be defrayed by the members applying for the same or out of the funds of the society or by the members or officers or former members or officers as the registrar shall direct.
- (d) This section shall not apply to a society with branches unless with the consent of the central body of such society.

24. With respect to special resolutions by registered societies, and to the proceedings which may be taken by virtue thereof the following provisions shall have effect: Special resolution & proceedings which may be taken thereon.

(1) A special resolution is one which is passed by a majority of not less than three fourths of such members of a society for the time being entitled under the rules to vote as may be present in person at any general meeting of which notice specifying the intention to propose such resolutions has been duly given according to the rules and which resolution is confirmed by a Special resolutions.

majority of such members for the time being entitled under the rules to vote as may be present in person at a subsequent general meeting of which notice has been duly given held not less than fourteen days nor more than one month from the day of the meeting at which such resolution was first passed.

At any meeting mentioned in this section a declaration by the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact.

Change of name.

(2.) A society may by special resolution with the approval in writing of the registrar change its name; but no such change shall affect any right or obligation of the society or of any member thereof and any pending legal proceedings may be continued by or against the trustees of the society or any other officer who may sue or be sued on behalf of such society notwithstanding its new name.

Amalgamation of Societies.

(8.) Any two or more societies may by special resolution of both or all such societies become amalgamated together as one society with or without any dissolution or division of the funds of such societies or either of them; and any society may by special resolution transfer its engagements to any other registered society which may undertake to fulfil the engagements of such society.

Conversion of societies into companies &c.

(4.) A society may by special resolution determine to convert itself into a company under the Joint Stock Companies Act or to amalgamate with or transfer its engagements to any such company.

Rights of creditors

(5.) No amalgamation or transfer of en-

gements shall prejudice any right of a creditor of either or any society party thereto.

(6.) A copy of every special resolution for any of the purposes mentioned in this section signed by the chairman of the meeting and countersigned by the secretary shall be sent to the registrar and registered there and until such copy is so registered such special resolution shall not take effect.

(7) If a special resolution for converting a society into a company contains the particulars by The Joint Stock Companies Act required to be contained in the memorandum of association of a company and a copy thereof has been registered by the registrar a copy of such resolution under the hand of the registrar shall have the same effect as a memorandum of association duly signed and attested under the said Act.

(8.) If a society be registered as or amalgamates with or transfers all its engagements to a company the registry of such society under this Act thereupon becomes void and the same shall be cancelled by the registrar but the registration of a society as a company shall not affect any right or claim for the time being subsisting against such society or any penalty for the time being incurred by such society; and for the purpose of enforcing any such right, claim or penalty the society may be sued and proceeded against in the same manner as if it had not become registered as a company; and every such right or claim or the liability to such penalty has priority as against the property of such company over all other rights or claims against or liabilities of such company :

Proviso.

Provided as follows—

- (a) No special resolution by any society for any amalgamation or transfer of engagements under this section is valid unless five-sixths in value (to be calculated as for dissolution) of the financial members assent thereto either at the meetings at which such resolution is passed and confirmed or one of them or in writing if such members were not present thereat nor without the written consent of every person for the time being receiving or entitled to any relief annuity or other benefit from the funds of the society unless the claim of such person be first duly satisfied or adequate provision be made for satisfying such claim.
- (b) The provisions hereinafter contained in case of dissolution as to the punishment of officers and the remedy of members or persons dissatisfied with the provisions made for satisfying their claims shall apply to the case of amalgamation and transfer of engagements.
- (c) Upon application of the trustees or committee of management of a society desiring to amalgamate or transfer its engagements, notice of such application being published in the Official Gazette, the registrar after hearing such trustees or committee of management and any other persons whom he considers entitled to be heard upon the application may order that any of the consents and conditions prescribed in this Act or in any regulations made under this Act,

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be dispensed with and may confirm the amalgamation or transfer.

- (d) This section shall not apply to branches.

Dissolution of societies.

25. With respect to the dissolution of registered societies the following provisions shall have effect.

- (1) A society may terminate or be dissolved in any of the following ways. How societies may be dissolved.

(a) Upon the happening of any event declared by the rules to be the termination of the society:

(b) By the consent of five-sixths in value of the financial members testified by their signatures to the instrument of dissolution and also by the written consent of every person for the time being receiving or entitled to receive any relief annuity or other benefit from the funds of the society unless the claim of such person be first duly satisfied, or adequate provision made for satisfying such claim and in the case of a branch with the consent of the central body of the society or in accordance with the general rules of the society:

(c) By the award of the registrar in the cases herein specified.

(2) The instrument of dissolution shall set forth— Contents of instruments of dissolution.

(a) The liabilities and assets of the society in detail:

(b) The number of members and the nature of their interests in the society respectively:

(c) The claims of creditors (if any) and the provision to be made for their payment.

(d) The intended appropriation or division of the funds and property of the society unless the same be stated in the instrument of dissolution to be left to the award of the registrar.

Alterations in instruments of dissolution. (8) Alterations in the instrument of dissolution may be made with the like consents as hereinbefore provided testified in the same manner.

Statutory declaration. (4) A statutory declaration shall be made by one of the trustees or by three members and the secretary of the society that the provisions of this Act have been complied with and shall be sent to the registrar with the instrument of dissolution; and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of a misdemeanour.

Registry of instrument of dissolution. (5) The instrument of dissolution and all alterations therein shall be registered in manner herein provided for the registry of rules and shall be binding upon all the members of the society.

Notice of dissolution. (6) The registrar shall cause a notice of the dissolution to be advertised at the expense of the society in the manner provided by this Act for advertising an award of the registrar for dissolution; and unless within three months from the date of the Official Gazette in which such advertisement appears a member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the society and such dis-

solution is set aside accordingly the society shall be legally dissolved from the date of such advertisement and the requisite consents to the instrument of dissolution shall be considered to have been duly obtained without proof of the signatures thereto.

(7) (a) The value of members shall be **Special provisions.**

ascertained by giving one vote to every member and an additional vote for every two years that he has been a member, but to no one member more than four votes in the whole.

(b) No instrument of dissolution shall direct or contain any provision for a division or appropriation of the funds of the society, or any part thereof otherwise than for the purpose of carrying into effect the objects of the society as declared in the rules thereof for the time being unless the claim of every member or person claiming any relief, annuity, or other benefit from the funds thereof be first duly satisfied or adequate provision be made for satisfying such claim.

(c) Any officer or person aiding or abetting in the dissolution of a society, otherwise than as in this Act provided, shall on summary conviction be liable either to such penalty as is by section thirty-two sub-section two of this Act imposed for an offence under this Act or to be committed to prison there to be kept to hard labour for any term not exceeding three months.

(d) If any number of a dissolved society,

or person claiming any relief, annuity or other benefit from the funds thereof be dissatisfied with the provision made for satisfying his claim such member or other person may apply to the Assistant Court of Appeal in its original jurisdiction for relief or other order and such court shall have the same powers in the matter as in regard to the settlement of disputes under this Act.

**Dissolution by award
&c.** (8) With respect to dissolutions and the distribution of funds upon the award of the registrar :

(a) Upon the application of one-fifth of the whole number of members of any registered society or of one hundred members in the case of a society of not less than one thousand members made in writing under their hands setting forth that the funds of the society are insufficient to meet the existing claims thereon or that the rates of contribution fixed in the rules of such society are insufficient to cover the benefits assured and the grounds upon which such insufficiency is alleged and requesting an investigation into the affairs of such society with a view to the dissolution thereof, the registrar may by himself or by any accountant whom the registrar may appoint in writing under his hand investigate the affairs of the society giving nevertheless not less than two months previous notice in writing to the society whose affairs are to be investigated at the registered office of such society.

- (b) If upon such investigation it appears that the funds of the society are insufficient to meet the existing claims thereon or that the rates of contribution fixed in the rules of the society are insufficient to cover the benefits assured to be given by the same the registrar may if he considers it expedient so to do award that the society shall be dissolved and its affairs wound up and shall direct in what manner the assets of the society shall be divided or appropriated; Provided always that the registrar may suspend his award for such period as he may deem necessary to enable the society to make such alterations and adjustment of contributions and benefits as will in his judgment prevent the necessity of such award of dissolution being made.
- (c) A registrar proceeding under this section has all the same powers and authorities enforceable by the same penalties as in the case of a dispute referred to him under this Act.
- (d) Every award under this section whether for dissolution or distribution of funds is final and conclusive on the society in respect of which the same is made and on all members of the same and other persons having any claim on the funds of the society without appeal and shall be enforced in the same manner as a decision on a dispute under this Act and the expenses of every investigation and award and of publishing every notice of dissolution shall be

paid out of the funds of the society before any other appropriation thereof shall be made.

(8) Notice of every award for dissolution shall within twenty one days after the same shall have been made be advertised by the registrar in the Official Gazette and in some other newspaper and unless within three months from the date of the Gazette in which such advertisement appears, a member or other person interested in or having any claim in the funds of the society commences proceedings to set aside the dissolution of the society, consequent upon such award and such dissolution is set aside accordingly, the society shall be legally dissolved from the date of such advertisement and the requisite consents to the application to the registrar shall be considered to have been duly obtained without proof of the signatures thereto.

Consent of central body.

(9) The provisions of the present section shall not apply to any society having branches without the consent of the central body of the society.

Notice of proceeding or order to set aside dissolution.

(10) Notice shall be sent to the registrar of any proceeding to set aside the dissolution of a society or branch not less than seven days before it is commenced by the person taking such proceeding and of any order setting a dissolution aside by the society or branch within seven days after such order is made.

Limitations of benefit.

26. No member of a registered friendly society nor any person claiming through a

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member shall be entitled to receive more than two hundred pounds by way of gross sum or fifty pounds a year by way of annuity from any one or more such societies and any such society may require a member or person claiming through a member to make and sign a statutory declaration that the total amount to which such member or person is entitled from one or more such societies does not exceed the sums aforesaid; and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of a misdemeanour.

Payments on death of children.

27. With respect to payments on the death of children under ten years of age the following provisions shall have effect:—

(1) No society shall insure or pay on the death of a child under five years of age any sum of money which added to any amount payable on the death of such child by any other society exceeds three pounds or on the death of a child under ten years of age any sum of money which added to any amount payable on the death of such child by any other society exceeds five pounds.

(2) No society shall pay any sum on the death of a child under ten years of age except to the parent of such child or to the personal representative of such parent and upon the production by such parent or his personal representative of a certificate of burial from the clergyman or minister containing the particulars after mentioned.

**Inquiry to be made
by societies.**

(3) Any society to which is produced a certificate of the death of a child shall before paying any money thereon be bound to inquire whether any and what sums of money have been paid on the same death by any other society.

**Offences under this
section.**

(4) It shall be an offence under this Act.

(a) If any society pays money on the death of a child under ten years of age otherwise than is provided by this Act.

(b) If any parent or personal representative of a parent claiming money on the death of a child produces any certificate of such death other than is herein provided to the society or societies from which the money is claimed or produces a false certificate or one fraudulently obtained or in any way attempts to defeat the provisions of this Act with respect to payments upon the death of children.

Societies with Branches.

28. The provisions of the present section apply only to Societies having branches.

How to be registered. (1) The application for registry shall be accompanied with—

(a.) A list of every branch and of the place wherein the same is established.

(b.) If any branch is to have trustees or officers authorised to sue and be sued on its behalf other than the trustees or officers authorised to

to sue and be sued on behalf of the society a list of the names of all such trustees or officers, distinguishing the branches for which they are authorised to sue and be sued.

(c.) If the rules of all the branches (herein called branch rules) are or are intended to be indetical a statement to that effect and copies of such rules :

(d) If the branch rules are not or are not intended to be indetical a statement to that effect and copies of all branch rules.

(2.) A society having a fund under the control of a central body to which every branch is bound to contribute may be registered as a single society. When society with branches may be registered as one society.

(3.) Notice of the establishment of every new branch by a registered society, and of the place where the same is established, and if such branch is to have trustees or officers authorised to sue and be sued on its behalf other than the trustees or officers authorised to sue or be sued on behalf of the society a list of the names of such trustees or officers and a statement whether or not the rules of such branch are identical with those of the other branches of the society, and if not so, a copy of the rules of such branch shall be sent under the hand of the secretary to the registrar. Notices of establishment of new branches.

(4.) Until a copy of the rules of a branch (in the case hereinbefore mentioned) has been registered the society is not entitled to any of the privileges of this Act in respect of Until copies of branch rules registered, Act not to apply to branch.

such branch, and until a copy of any amendment of the rules of a branch has been so registered the same does not take effect as respects such branch.

Application of previous provisions.

(5.) The provisions of this Act as to appeals and the result thereof as to amendments of rules as to the acknowledgment of registry and the evidence of register, and rules apply to branch rules.

Where branches must be separately registered.

(6.) Where a society has no fund under the control of a central body to which every branch is bound to contribute, every branch is deemed to be and must be registered as a separate society, whether its rules are identical with those of other branches or not.

Registration of branches.

(7.) A registered branch shall not be registered as a society except on production to the registrar of a certificate under the hand of the chief secretary or other principal officer of the society that the branch has wholly seceded or has been expelled from the society.

Provided that the like appeal shall lie from the refusal of the chief secretary or other principal officer of the society, or his omission after one month from the receipt of a request in writing made on behalf of a branch to grant such a certificate as from the refusal of the registrar to register the society or any rules.

Conversion of registered societies into branches.

29. With respect to the conversion of registered societies into branches the following provisions shall have effect :

(1.) A society may by a resolution passed by three-fourths of the members or delegates present and entitled to vote at any general meeting of which notices specifying the

intention to propose such resolution has been duly given according to the rules determine to become a branch under this Act of any other registered society, and also if thought fit of any registered branch thereof; and if the rules of such society do not comply with all the provisions of this Act in respect of the registry of branches the meeting at which such resolution is passed may amend such rules so as to bring the same in compliance with this Act.

(2.) A copy of the rules of such first mentioned society marked to show the amendments if any made at such meeting, and two copies of such resolution as aforesaid and of such amendments of rules, if any each signed by the chairman of the meeting and by the secretary of the society, so determining to become a branch of any other society and countersigned by the secretary of such other society, shall be sent to the registrar and if the registrar finds that such rules with or without such amendments as aforesaid comply with the provisions of this Act he shall cancel the registry of such first mentioned society and register the same as a branch of such other society, and also if so specified in the resolution before mentioned of any branch of such other society, without further request or notice and shall register such amendment of rules without further application or evidence, and until such registry such resolution as aforesaid shall not take effect.

(3.) No advertisement of any cancelling of registry under this section shall be requisite.

(4.) The rules of a society which becomes

a branch under this section shall so far as the same are not contrary to any express provision of this Act and subject to any amendment thereof as hereinbefore provided continue in force as the rules of such branch until amended.

Registered societies may contribute to funds of other societies.

80. Nothing in this Act contained shall prevent any registered society or branch from contributing to the funds or taking part by delegates or otherwise in the government of any other registered society or registered branch of a society as may be provided in the rules of such first named society or branch without becoming a branch under this Act of such other society or branch.

Forms of acknowledgment of registry for branches.

81. The acknowledgment of registry of a branch and of any amendment of the rules of a branch shall be in the forms provided in the fourth and fifth Schedules to this Act.

Penalties.

82. With respect to penalties under this Act the following provisions shall have effect.

Penalty for falsification.

(1.) If any person wilfully makes, orders, or allows to be made any entry, erasure in or omission from any balance sheet of a registered society or any contribution or collecting book or any return or document required to be sent, produced or delivered for the purposes of this Act with intent to falsify the same or to evade any of the provisions of this Act, he is liable to a penalty not exceeding twenty pounds recoverable at the suit of the registrar or of any person aggrieved, and in default of payment of such penalty and costs be liable to be imprisoned for any term

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not exceeding three months with or without hard labour.

(2.) Every Society officer or member of a society or other person guilty of an offence under this Act for which no penalty is expressly provided herein is liable to a penalty of not less than one pound and not more than five pounds recoverable at the suit of the registrar or of any person aggrieved.

(3) All penalties imposed by this Act or to be imposed by any regulations under the same or by the rules of a registered society, shall be recovered in a summary manner before a police magistrate and shall unless otherwise provided be paid into the Public Treasury to the credit of the general revenue.

38. All offences and penalties under this Act may be prosecuted and recovered before a Police Magistrate in a summary manner as respects a prosecution against a society or its officers in the place where the registered office of the society is or where the offence has been committed or as respects any prosecution against any person other than a society or its officers in the place where such person is resident at the time of the institution of such prosecution or where the offence has been committed.

84. The Chief Justice may from time to time make regulations respecting registry and procedure under this Act and the form to be used for such registry and the duties and functions of the registrar and the inspection of documents kept by the registrar under this Act and generally for carrying this Act into effect.

Evidence of documents.

All such regulations shall be laid before the Legislature within ten days after the making thereof if the Legislature be then sitting or if not then sitting then within ten days from the then next assembling thereof.

35. Every instrument or document copy or extract of an instrument or document purporting to be signed by the registrar shall in the absence of any evidence to the contrary be received in evidence without proof of the signature.

Repeal.

36. "The Friendly and Benevolent Societies Act, 1880" is hereby repealed, provided that,

(1.) Any rule order or bye-law now in force whether made under the enactment hereby repealed or not shall continue in force until otherwise provided; and

(2.) Any officer appointed under the enactment hereby repealed shall continue and be deemed to have been duly appointed under this Act; and

(3.) Any enactment or document referring to the Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment in this Act.

(4.) This repeal shall not, save and except where otherwise by this Act provided, affect

(a.) The past operation of any enactment hereby repealed nor any thing duly done or suffered under any enactment hereby repealed; or

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- (b) any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; or
 - (c) any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or
 - (d) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding and remedy may be carried on as if this Act had not passed; or
 - (e) any act in which the enactments hereby repealed have been applied, incorporated or referred to or
 - (f) any friendly or Benevolent Society established before the passing of this Act.
- (5.) This repeal shall not revive any enactment, right, office, privilege, matter or thing not in force or existing at the passing of this Act.
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SCHEDULE I.

Matters to be provided for by the rules of Societies registered under this Act.

1. The name and place of office of the society.

2. The whole of the objects for which the society is to be established, the purposes for which the funds thereof shall be applicable, the terms of admission of members, the conditions under which any member may become entitled to any benefit assured thereby and the fines and forfeitures to be imposed on any member.

3. The mode of holding meetings and right of voting and the manner of making altering or rescinding rules.

4. The appointment and removal of a committee of management (by whatever name) of a treasurer and other officers and of trustees and in the case of a society with branches the composition and powers of the central body and the conditions under which a branch may secede from the society.

5. The investment of the funds the keeping of the accounts and the audit of the same once a year at least.

6. Annual returns to the registrar of the receipts funds effects and expenditure and number of members of the society.

7. The inspection of the books of the society by every person having an interest in the funds of the society.

8. The manner in which disputes between the society and any of its members or any person claiming through a member or under the rules shall be settled.

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BARBADOS.

An Act to make provision for the collection of a police tax.

BE it enacted by the Governor, Council and Assembly of this island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as "The Police Tax Act, 1891."

Police tax.

2. (1). Every person who in any year shall be assessed by the vestry of any parish in respect of the ownership of any land or messuage, and shall be liable to pay parochial taxes in respect of such land or messuage, shall in each such year pay to the parochial treasurer of the parish a police tax in respect of such land or messuage, at the rate of eight pence for each acre of land and two pence in the pound on the annual rent or value of such messuage, and where any person is the owner of land and a house or houses thereon or thereto belonging the tax aforesaid shall not be paid on both the land and the house or houses, but the tax shall be paid either on the land or on the messuage thereto belonging, whichever shall afford the largest tax, such tax on lands and messuages to be regulated by the annual assessment for general parochial purposes made by the vestry of the parish, but if there be a failure in the parish for want of a ves-

Persons liable to pay police tax.

Rate of such tax.

How to be assessed.

try or otherwise in making such annual assessments the tax shall be regulated by the last assessment duly made in the parish for general parochial purposes.

How and when paid. (2) Such police tax shall be paid by such person at the time and in the manner, and subject to the conditions so far as the same may be applicable, at, in and subject to which the parochial tax shall be payable and shall be demanded and recovered by the parochial treasurer in the manner and subject to the rights, obligations, and conditions, affecting parochial taxes.

The tax to be a first lien on sales by Provost Marshal Official Assignee or in Chancery. 8. (1). In all cases in which any plantations, houses, lands or properties in this island which are or shall be ratable in respect of police taxes shall be levied on by the provost marshal under any execution, and in case of plantations, houses and lands belonging to the estate of an insolvent trader the amount of any police taxes due in respect of any such plantations, houses, lands or properties, and all future police taxes which may accrue or be laid and become payable in respect thereof during any time such plantations, houses, lands or properties, shall remain unsold, in the said provost marshal's office and official assignee's office respectively shall be a charge on the same prior and preferably to all other liens, and demands affecting the same. And when any such plantations, houses, lands or properties shall be sold by the provost marshal or official assignee the amount of all such police taxes shall be paid out of the purchase money thereof prior and preferably to any mortgages, judgments, executions, or other

liens against the property so sold : provided always and the provost marshal and official assignee shall be, and they are hereby respectively authorised from time to time to pay and allow the amount of any such taxes already due and which shall or may accrue due in respect of any plantations, lands, houses or properties remaining unsold out of any moneys now in their hands or which may hereafter come to their hands out of or in respect thereof. In all cases in which plantations have been or shall be placed under the control of the court of chancery and no receiver shall be appointed, all unpaid police rates and taxes shall be a first lien on the same until paid.

(2). No owner whose plantation, house, land or property has been taken in execution or passed to the official assignee on bankruptcy shall be liable in respect of any police taxes which have accrued or may accrue during the time such property remained under the control of the provost marshal or official assignee; provided always that should the execution be raised or abandoned, or the fiat of insolvency annulled, the liability of such owner in respect of such property shall revive.

4. The parochial treasurer of each parish shall be allowed as a remuneration for the duties required of him by this Act a commission at the rate of six pounds per cent on all sums of money collected and received by him for the purposes of this Act.

Remuneration of
Parochial Treasurer
for collecting tax.

5 The parochial treasurer of every parish is hereby enjoined to use all due diligence in collecting the taxes aforesaid within the

Parochial Treasurer
to pay over all sums
collected to Colonial
Treasurer.

time limited for that purpose, and he shall on or before the fifteenth day of each month pay to the colonial treasurer to the credit of the general revenue all sums collected by him and then remaining in his hands after deducting the commission mentioned in the preceding section and the auditor general shall have full power and authority to call for and examine all books, accounts, and other vouchers of any parochial treasurer relative to the police tax as he shall deem fit and necessary in the exercise of his duties, and if any parochial treasurer shall make default herein he shall incur a penalty not exceeding ten pounds for each default.

Parochial Treasurer
 required to keep
 accounts and such
 accounts open to
 inspection.

6. The parochial treasurers shall, and they are hereby required to cause a book or books to be provided and kept, and true and regular accounts to be entered therein, of all sums of money received, and of all the several articles, matters and things, for which such sums of money shall have been so received which book or books shall be opened for the inspection of all persons liable to pay police taxes in the said parish, or their legally constituted representatives without fee or reward, and the said persons aforesaid or any of them shall and may take copies of or extracts from the book or books or any part or parts thereof, without paying anything for the same and in case the parochial treasurer shall on any reasonable demand refuse to permit or shall not permit the said persons or any of them as aforesaid to inspect the said book or books, or to take such copies or extracts as aforesaid, such parochial trea-

surer shall forfeit and pay a sum not exceeding two pounds for every such offence.

7. The parochial treasurers shall once in every six months or oftener if called upon for that purpose by the auditor general account for all sums of money received by them under the authority of this Act, and if any parochial treasurer shall neglect duly to enforce payment of all taxes which he is hereby authorized to collect he shall for every such neglect forfeit a sum not exceeding two pounds, and if any parochial treasurer shall in any way misapply or divert any of the moneys received by him to any purpose whatsoever not authorised by this Act, he shall be liable, in addition to any penalty or punishment to which he may otherwise by any law be liable, to pay double the amount of the sums of money so misapplied or diverted by him.

8. All penalties under this Act may be recovered in a summary manner before a police magistrate on the complaint of any person and shall be paid one half to the complainant and the other into the treasury to the credit of the general revenue.

9. In case the parochial treasurer of any parish shall be unwilling to perform the duties imposed and required of him by this Act, it shall be lawful for the Governor-in-Executive Committee to appoint a person to perform such duties and to require of such person a bond in such manner and with such sureties as the Governor-in-Executive Committee may determine conditioned for the faithful performance of his duties, and the due accounting of all moneys received by

1891. C. 83.

him under this Act; and such person when so appointed shall for the purposes of this Act be deemed to be the parochial treasurer, and shall have free access to the parochial rate-books to enable him to discharge the duties imposed on him by this Act.

Amendment of "The Chancery Act 1891." 10. In line four of section sixty seven of "The Chancery Act, 1891" the word "other" shall be substituted for the word "militia," and in printing and issuing the new edition of the laws the Commissioners shall make the above alteration and shall omit this section from the new edition of the laws.

When this Act is to come into operation. 11. This Act shall come into operation on the first day of January one thousand eight hundred and ninety two.

Repeal.

Repeals.

12. The several Acts mentioned in the schedule to this Act are hereby repealed provided that.

(1) Any rule, order or bye-law now in force whether made under any enactment hereby repealed or not shall continue in force until otherwise provided, and

(2.) Any officer appointed under any enactment hereby repealed shall continue and be deemed to have been duly appointed under this Act; and

(3.) Any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment in this Act.

1891. C. 83.

(4.) This repeal shall not affect.

- (a) The past operation of any enactment hereby repealed nor anything duly done or suffered under any enactment hereby repealed ; or**
- (b) any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactments hereby repealed ; or**
- (c) any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactments hereby repealed ; or**
- (d) any investigation, legal proceeding or remedy in respect of any such right privilege, obligation, liability, penalty forfeiture or punishment as aforesaid and any such investigation, legal proceeding and remedy may be carried on as if this Act had not passed ; or**
- (e) any act in which the enactments hereby repealed have been applied, incorporated or referred to.**

5. This repeal shall not revive any enactment, right, office, privilege, matter or thing not in force or existing at the passing of this Act.

SCHEDULE.

Date of Act.	Title of Act.	Extent of Repeal.
13th August 1839.	An Act to consolidate and amend the several Acts relating to the Militia of this island and to provide for the better organization of the same.....	The whole Act.
1st August 1851	An Act for the reduction and better regulation of the Militia Tax	The whole Act.
13th June 1855.	An Act to provide for the better collection of the Militia Tax	The whole Act.
15th June 1859.	An Act to provide for the immediate enrolment of all persons liable to serve in the Militia, and to amend the Act of this island relating to same.....	The whole Act.
4th October 1859.	An Act to encourage the formation of Yeomanry Cavalry and Rifle Corps, and to amend the Militia Act, 18 August, 1839	The whole Act.

1891—C. 84.

CAP. LXXXIV.

(Assented to 7th December, 1891.)

BARBADOS.

An Act to amend "*The Evidence Act, 1891.*"

WHEREAS it is deemed expedient to amend "*The Evidence Act, 1891,*" (hereinafter called the principal Act) in the manner hereinafter mentioned: Be it therefore enacted by the Governor, Council, and Assembly of this Island and by the authority of the same, as follows;

1. Section twenty one of the principal Act is hereby amended by omitting the words "in which any person residing in the United Kingdom is a party, and which is an action or suit," occurring in lines 3, 4, and 5,—by inserting in line 11 after the word "witness," the words "residing in the United Kingdom or in any British Colony or possession," and by inserting in line 18 after the word "Kingdom" the words "or of the Colony or possession." Extension of sect. 21 of the principal Act.

2. In printing the new edition of the laws the Commissioners are hereby required to print the principal Act as amended by this Act, and to omit this Act from the new edition of the laws and also to alter the marginal note to section twenty one of the principal Act, consistently with the amendments made by this Act. Omission of this Act in the new edition of the laws.

1891 C. 85.

CAP. LXXXV.

(Assented to 23rd December 1891.)

BARBADOS.

An Act to amend "The Bridgetown Tramways Company, Limited, Act, 1891."

BE it enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows ;

Section 47 of "The
Bridgetown Tram-
ways Company
Limited, Act, 1891,"
amended.

1. Section forty-seven of "The Bridgetown Tramways Company, Limited, Act, 1891" (hereinafter called the principal Act) is hereby amended by inserting in a parenthesis after the word "Fridays" in line one on page fourteen the following words "except Good-Fridays or any Friday "on which any Christmas Day, Bank " Holiday or other Public Holiday or day "set apart by public proclamation for " Divine Service shall fall or occur."

Act to be omitted
in new edition of
the laws.

2 In printing the new edition of the laws the Commissioners are hereby required to print the principal Act as amended by this Act, and to omit this Act from the new edition of the laws, and also to alter the marginal note to section fortyseven of the principal Act consistently with the amendments made by this Act.

CAP. LXXXVI.

(Assented to 30th December, 1891.)

BARBADOS.

An Act to continue various expiring laws .

WHEREAS the several Acts mentioned in the columns one and two of the schedule to this Act annexed are limited to expire at the times specified in respect

thereof in column three of the said schedule; And whereas it is expedient to continue such Acts for the times mentioned respectively in column four of the said schedule; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as “The Expiring Laws Continuance Act, 1891.” Short title.

2. The Acts mentioned in column one of the schedule to this Act annexed are here-
Acts mentioned in
the schedule continued
until 31st Decem-
ber, 1892.
 by continued until and inclusive of the
 dates respectively specified in column four
 of the said schedule, and any enactment
 amending or affecting the enactments con-
 tinued by this Act are also in like manner
 continued.

SCHEDULE

ORIGINAL ACTS.	AMENDING ACTS.	TIME OF EXPIRATION	CONTINUED UNTIL.
The Trade Act 1878, Sections 4 and 91 ...	...	31st December 1891	31st December 1892.
Poor Relief Act, 1880 ...	8th February 1887	31st December 1891	31st December 1892.
Rum Duty Act, 1887 ...	25th April 1888	31st December 1891	31st December 1892.
	1st June 1889.	31st December 1891	31st December 1892.
	28th October 1890.	31st December 1891	31st December 1892.
Agricultural Aids Act 1887 ...	...	31st December 1891	31st December 1892.
Customs Tariff Act, 1889	...	31st December 1891	31st December 1892.
Police Act, 1890 ...	...	31st December 1891	31st December 1892.

1891—C. 87.

CAP. LXXXVII

(Assented to 30th December, 1891.)

BARBADOS.

An Act to grant a sum of money out of the public treasury and to appropriate the same for the service of the year ending the thirty first day of December one thousand eight hundred and ninety two.

WHEREAS it is deemed expedient to grant the sum of forty four thousand eight hundred and twenty two pounds sixteen shillings and fourpence out of the public treasury for making good the supply granted for the service of the year ending on the thirty first day of December, one thousand eight hundred and ninety two, and to appropriate the said sum in the manner hereinafter mentioned; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows;

1. This Act may be cited for all purposes as "The Appropriation Act, 1892."

Short title.

2. The Colonial Treasurer for the time being may issue out of the public treasury on the warrant of the Governor-in-Executive Committee and apply for making good the supply granted for the service of the year ending the thirty first day of December one thousand eight hundred and ninety two, the sum of forty four thousand eight hundred and twenty two pounds sixteen shillings and fourpence

Grant of £44,822 16 4 out of the public treasury.

3. The sum granted by this Act shall be held to be granted on the first day of January one thousand eight hundred and ninety two.

Date on which grant is to take effect.

Appropriation of sum granted. 4. The sum granted by this Act out of the public treasury for making good the supply granted for the purpose aforesaid is appropriated and shall be deemed to be appropriated as from the first day of January one thousand eight hundred and ninety two for the purposes and services expressed in the schedule annexed hereto.

Schedule to be deemed part of Act. 5. The schedule annexed hereto shall be deemed to be part of this Act in the same manner as if it had been contained in the body of the Act.

ABSTRACT.

Of the Schedule to which this Act refers.

Appropriation of Grants

	£	s.	D.	£	s.	D.
Establishments.....	...			3,193	10	0
Exclusive of Establishments.						
Head 1—Civil	2,120	15	10			
Head 2—Legislative....	93	15	0			
Head 3—Judicial.....	262	11	6			
Head 4—Police	6,817	8	8			
Head 5—Harbor Police	388	0	0			
Head 6—Prisons.....	4,676	0	0			
Head 8—Education	14,335	4	0			
Head 9—Chemistry and Agricultural Science....	217	18	0			
Head 10—Public Library	20	0	0			
Head 11—Medical.....	6,793	13	4			
Head 14—Drawbacks...	40	0	0			
Head 15—Works and Buildings	4,669	0	0			
Head 18—Miscellaneous	1,195	0	0			
Total Exclusive of Es- tablishments .....	...			41,629	6	4
Grand Total.....	...			44,822	16	4

SCHEDULE—PART 1.

Establishments

Schedule of sums granted to defray the several charges on account of Establishments herein particularly mentioned which will come in, in course of payment, during the year ending on the thirty first day of December, 1892.

Service.	Sums not exceeding.					
	£	s.	d.	£	s.	d.
HEAD 1... Civil.						
A. Signalman at Government House.....	16	0	0			
E. Salaries of Store-keeper.....£80						
Extra Clerk.....£60						
Foreman.....£70						
and messenger in Superintendent of Public Works Office. £20	230	0	0	246	0	0
Head 2...B.						
For salaries of Officers of The Assembly.....	...			650	0	0
HEAD 4.						
For salaries of Medical Officers of the Police.....	...			125	0	0
HEAD 6.						
Additional Salary to Inspector of Prisons.....	50	0	0			
Additional vote to the Surgeon at District A.	50	0	0			
For the salaries of Officers of the Prison Department	180	0	0	280	0	0

Service.	Sums not exceeding		
HEAD 9.	£	s	D.
Chemistry and Agricultural Science, For Head of Botanical Station and Clerical Assistance.....	...	200	0 0
HEAD 11.	£	s	D.
C. For salaries and wages of members of the Staff of the Lunatic Asylum, and the branch Asylum at District " B " other than the Medical Superintendent	1,272	10	0
D. For salaries and wages of the members of the Staff of the Lazaretto, other than the Surgeon Superintendent a n d Chaplain	220	0	0
E. Inspector of Imported animals and increase...	200	0	0
Total Head 11.....	...	1,692	10 0
Total Establishments.....	...	3,193	10 0

SCHEDULE PART II

Exclusive of Establishments.

Schedule of the sums granted to defray the several charges
Exclusive of Establishments, herein particularly men-
tioned, which will come in, in course of payment, dur-
ing the year ending on the thirty first day of Decem-
ber, 1892, namely ;

Service.	Sums not exceeding.					
HEAD 1.—CIVIL	£	s.	d.	£	s.	d.
a. For supply of Furni- niture for Government House £100, stationery and incidentals for Gov- ernor's Office £50.....	150	0	0			
b. Clerical Assistance in record branch of Colo- nial Secretary's Office..	250	0	0			
c. For books £4, and Mis- cellaneous £3, in the Colonial Treasurer's Office.....	7	0	0			
d. For Furniture Tele- phone and Miscellane- ous Expenses of the Auditor General's Office	9	10	0			
e. For Telephone £6 5 and Miscellaneous of Public Works Office £9 15.....	16	0	0			

Service.	Sums not exceeding.					
	£	s	D.	£	s	D.
f. Harbour Master, Telephone.....	6	5	0			
Powder Hulk. Water and Light £17, Maintenance £130.....	147	0	0			
g. For special services, wages, furniture, and Miscellaneous of the Customs Department...	749	5	10			
j. For wages. gas, water Medical surveys and contingencies at the Market.....	217	10	0			
k. For clothing, apparatus, horses, and Miscellaneous of the Fire Brigade Department...	533	5	0			
o. For Instruments apparatus &c., for the Inland Revenue Department...	35	0	0			
Total Head 1. Civil	..			2,120	15	10
HEAD 2.—LEGISLATIVE						
(a.b.c.) For Miscellaneous of the Legislative Departments including refreshments.....				93	15	0

Service.	Sums not exceeding						
	£	s.	d.	•	£	s.	d.
HEAD 3.—JUDICIAL.							
For Miscellaneous of Ju- dicial Department £55 clerical assistance for Bridgetown Magis- trates £100	155	0	0				
Books £80 Interpreter £5	85	0	0				
Provost Marshal's Office...	7	11	6				
Messenger for Crown Law Officers.....	15	0	0				
					262	11	6
HEAD 4—POLICE.							
For the support of the Police Department.....	...				6,817	8	8
HEAD 5—HARBOUR POLICE.							
For the support of the Harbour Police Depart- ment.....	...				388	0	0
HEAD 6—PRISONS.							
For the support of the Prison Department.....	3,506	0	0				
For the support of Dodds Reformatory.....	1,170	0	0				
					4,676	0	0
HEAD 8—EDUCATION.							
To defray the expenditure to be incurred under the Education Act, 1890.....	...				14,335	4	0
HEAD 9—CHEMISTRY AND AGRICULTURAL SCI- ENCE.							
For chemicals, water, gas, polariscope, repairs and incidental expenses for this Department.....	...				217	18	0

Service.	Sums not exceeding.					
	£	s.	d.	£	s.	d.
HEAD 10—PUBLIC LIBRARY,						
For indicators and the Miscellaneous expenditure of the Public Library Department.....	...			20	0	0
HEAD 11—MEDICAL.						
c. Lunatic Asylum—						
For the support of the Lunatic Asylum.....	3,720	0	0			
d. Lazaretto—						
For the support of the Lazaretto	2,563	0	0			
e. Board of Health—						
Wages, Miscellaneous &c., £95 13 4						
Repairs..... 50 0 0						
Erection and upkeep of Animal Quarantine Station..... £250 0 0						
Guarding vessels in Quarantine..... £100 0 0	495	13	4			
i. Poor Law Board—						
For Messenger, furniture and Miscellaneous.....	15	0	0			
Total Head 11... Medical	...			6,793	13	4

Service.	Sums not exceeding.		
	£	s.	d.
HEAD 14—DRAWBACKS			
For payment to the Military Departments in lieu of drawback at the rate of £40 a year.....	...	40	0 0
HEAD 15—WORKS AND BUILDINGS.			
A. For wages and contingencies of the Public Buildings.....	...	75	0 0
B. For repairs and alterations, namely :.....			
1. Public Buildings.	100	0	0
1. h. Post Office.....	15	0	0
1. a. Government House	150	0	0
1. g. Customs and Petroleum Warehouse.....	25	0	0
1. j. Market.....	100	0	0
1. m. Signal Stations and Inland Telegraph.....	50	0	0
4. Police Stations.....	350	0	0
6. Prisons & Town Hall Reformatory.....	350	0	0
	40	0	0
7. Bishop's Court.....	10	0	0
10. c. Lunatic Asylum...	300	0	0
10. d. Lazaretto.....	150	0	0
Miscellaneous.....	100	0	0
a. Swing Bridge.....	40	0	0
b. Buoys.....	150	0	0
c. Cranes, repairs and Painting.....	20	0	0

Service.	Sums not exceeding					
	£	s	d.	£	s	d.
<i>d</i> Fountain Garden....	12	0	0			
Codrington House...	15	0	0			
<i>f.</i> Wharf walls... ..	200	0	0			
<i>g.</i> Repairs to Pumps...	100	0	0			
Dredge.....	150	0	0			
Repairs to Montefiore Fountain, &c.....	2	0	0			
				2,429	0	0
C. New Works...						
New Lantern Needham's Point.....	125	0	0			
Dredging.....	650	0	0			
Wharf Walls.....	1,000	0	0			
Protecting embankment round Hospital, Pelican Island.....	150	0	0			
				1,925	0	0
Total New Works.....						
D. Incidental Expenses...						
For upkeep of Fountain and St. Mary's Gardens	25	0	0			
For Lighting the Wharf	100	0	0			
Foreman Travelling ex- penses.....	15	0	0			
Labor Gang.....	100	0	0			
Total Incidental Ex- penses.....	...			240	0	0
Total Head 15—Works and Buildings.....				4,669	0	0

Service.	Sums not exceeding					
HEAD 18—MISCELLANEOUS.	£ s d.			£ s d.		
For copying dilapidated wills and other legal documents in the Colonial Secretary's Office...	500	0	0			
For cost of Parish Registers and indexing and binding the same.....	100	0	0			
For cost of Telegrams sent on the Public Service...	50	0	0			
For advertising Liquor Licenses.....	20	0	0			
For Stationery for the use of the Public Departments.....	225	0	0			
This amount to be placed at the Governor's disposal for the service of the Colony.....	100	0	0			
Expenses incident to working the Adulteration Act 1888.....	200	0	0			
Total Head 18...Miscellaneous.....				1,195	0	0
Total Exclusive of Establishments.....	...			41,629	6	4

(Assented to 31st December, 1891.)

BARBADOS.

An Act to suspend the coming into operation of "The Highways Act, 1891."

WHEREAS by section sixty three of "The Highways Act, 1891," it is enacted that the Act shall not come into operation until the first day of January one thousand eight hundred and ninety two, save and except sub-section five of section thirty six and section fifty seven thereof, which shall come into operation immediately on the passing of the Act ; And whereas it is deemed expedient to further delay the coming into operation of the said Act until the time hereinafter mentioned ;

Be it therefore enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows:—

The Highway's Act 1891 suspended until 1st July 1892, save certain sections.

1. "The Highways Act, 1891," (save and except sub-section five of section thirty six, and section fifty seven thereof which have already come into operation) shall not come into operation until the first day of July one thousand eight hundred and ninety two.

Continues certain Acts hereby repealed until 1st July 1892.

2. The Act of the 24th day of February one thousand eight hundred and sixty four entitled, An Act to consolidate and amend the laws for the repair and improvement of the highways ; the Act of the 21st day of June 1878, entitled, An Act to amend An Act entitled, An Act to consolidate and amend the laws for the repair and improvement of the highways ; the Act of the twenty ninth day of December one thousand eight

hundred and seventy nine, entitled, An Act to grant a loan to the Commissioners of highways for the rural portion of the parish of Saint Michael, to be repaid in annual instalments to be deducted from the annual Legislative grants to the same Commissioners; the Act of the 30th day of August 1880 entitled, An Act to provide for digging and makings wells, sucks and dams in the gulleys and ravines in the parishes of St. Joseph, St. Thomas, St. George and St. Michael, to take off the storm water which is now discharged from those gulleys and ravines after heavy rains into the carenage in the City of Bridgetown; the Act of the 16th February 1881 entitled, An Act to alter the law regulating the appointment of the health Commissioners for the parish of St. Michael and the Commissioners of highways for the City of Bridgetown; the Act of the 16th October 1885 entitled, An Act to amend An Act entitled, "An Act to consolidate and amend the laws for the repair and improvement of the highways," and the Act of the 22nd day of May 1889, entitled, An Act to declare that the officers of Her Majesty's Army and Navy are exempt from the payment of taxes on their carriages and horses (all which Acts respectively are repealed by "The Highways Act, 1891") shall respectively continue in full force and effect until the coming into operation of the said Act.

CAP. LXXXIX.

(Assented to 31st December, 1891.)

BARBADOS.

An Act to fix a tariff of duties on goods imported into this Colony.

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows ;

Short title.

1. This Act may be cited as the "Customs Tariff Act, 1891.

Duties of Customs

2. There shall be raised, levied, collected and paid unto Her Majesty, her heirs and successors, for the use of this Colony, upon live stock, goods, wares and merchandize imported into this Colony, or which may be in bond when this Act comes into operation the several duties of Customs set forth in figures in Table A in the schedule to this Act, entitled, "Duties of Customs Inwards," and the articles mentioned in Table B in the schedule to this Act, entitled, "Exemptions from Duty," may be imported without payment of any duty.

Exemptions from duty.

Duties to be ascertained &c. under "The Trade Act 1891.

3. The duties imposed by this Act shall be ascertained, raised, levied, collected, paid, recovered and applied under "The Trade Act 1891," or any other Act which may now or hereafter be in force having reference to the trade or revenue of this Colony.

Mode of calculating weights and measures.

4. The duties under this Act shall be paid and received according to the weights and measures established by "The weights and measures Act, 1891"; and in all cases wherein the same are imposed according to any specific quantity or value the same shall be deemed to apply in the same proportion to any greater or less quantity or value.

5. This Act shall not come into operation until the first day of January one thousand eight hundred and ninety two and it shall continue in force until (and inclusive of) the thirty first day of December one thousand eight hundred and ninety two, in lieu of "The Customs Tariff Act, 1889," which shall expire on the first mentioned date.

SCHEDULE.

TABLE A.

DUTIES OF CUSTOMS INWARDS.

	£	s.	d.
Arrowroot, Touslesmois and all other starches, the 100lbs.....	1	0	
Bread, Pilot and Navy, and Crackers, the 100lbs.....	0	3	
Bricks, the 1,000.....	3	0	
Butter, margarine, and their compounds except oleomargarine, the 100lbs.....	7	6	
Oleomargarine, the 100lbs...	3	9	
Candles, sperm, the 100lbs.....	8	4	
Cement, the barrel.....	1	3	
Cheese, the 100lbs.....	3	9	
Coal and the mixed preparations thereof, and coke, the ton.....	2	6	
Cocoa, the 100lbs.....	2	1	
Coffee, the 100lbs.....	2	6	
Cordage, (except twines,) the 100lbs.....	1	6	
Corn meal the barrel of 196lbs		11	$\frac{1}{4}$
Meal other kinds the barrel of 196lbs.....	1	3	
Corn or Maize and wheat, unground, the 100lbs.....	0	4	$\frac{1}{2}$

	£	s	D.
Firearms, each.....	10	0	
Fish, dried, salted or smoked the 112lbs.....	0	2½	
Fish, pickled, the barrel.....	0	5	
Flour, wheat or rye, the barrel of 196lbs.....	3	1½	
Grain, other than corn, Maize, wheat or oats unground, the 100lbs.....	0	6	
Oats—per 100lbs.....	0	7½	
Horses, under 13½ hands high, each.....	10	0	
Horses, all others, each.....	2	0	0
Lard, and its compounds the 100lbs.....	2	1	
Liquors—			
Malt Liquor, cider and perry in wood, the cask 64 gals—	18	9	
Malt Liquor, cider and perry in bottles (reputed quarts) the dozen.....	1	3	
Spirits and cordials, (except Rum and Gin and perfumed spirits to be used as per- fumery only) the gallon...	7	6	
Gin, for every gallon below or equal to proof by Sykes' Hydrometer.....	5	0	
Gin, for every higher degree of proof—in proportion.			
Rum, for every gallon below or equal to proof by Sykes' Hydrometer.....	5	0	
Rum, for every higher degree of proof—in proportion.			
Wine—sparkling per gallon	2	6	
Wine, all other kinds, per gal- lon.....	0	11½	
Matches—lucifer and other kinds			

	£	s.	d.
the gross of 12 dozen boxes each box to contain not ex- ceeding 100 sticks.....	1	0	
Matches, boxes containing any greater or less quantity—to be charged in proportion.			
Meat—			
Beef, salted or pickled the 100lbs.....	3	9	
Pork salted or pickled the 100lbs	3	9	
Bacon and Bacon Hams the 100lbs.....	2	6	
Metals new—			
Composition nails, bolts, bars, rods, spikes, and rivets, the 100lbs.....	4	2	
Copper, in sheets, rods, bars, bolts, spikes, nails, and rivets, the 100lbs.....	4	2	
Iron hoops, bars, and rods, the 100lbs.....	0	4	
Iron nails, spikes, rivets and clinches the 100lbs.....	1	0	
Lead pipe the 100lbs.....	1	0	
Yellow Metal in sheets, the 100lbs.....	4	2	
Metals,—Old			
Copper Brass and Pewter, the 100lbs.....	2	0	
Mules of the value of £12 10s. and upwards cost.....	15	0	
Mules under the value of £12 10s. cost.....	10	0	
Oilmeal and Oilcake, the 100lbs.	0	5	
Petroleum and its products crude or refined, the gallon.....		1 $\frac{1}{2}$	
Rice, the 100lbs.....		6	

	£	s	d.
Soap, the 100lbs.....	1	3	
Sugar, refined, the 100lbs.....	10	0	
Tallow, the 100lbs.....	2	0	
Tea, the lb.....	0	3	
Tobacco—			
Cigars, Cheroots and Cigarettes of all kinds, the lb.....	5	0	
Snuff, the lb.....	1	6	
Other manufactured, the lb...	1	6	
Other manufactured, if in outer packages of less than eighty pounds net weight each, the lb.	2	0	
Leaf, the lb.....	1	0	
Leaf, if in outer packages of less than fifty pounds net weight each, the lb.....	1	6	
Wood—			
Hemlock, birch, beech, white pine, and spruce, the 1,000 feet superficial measurement of one inch thickness	5	0	
Pitch Pine in rough or prepared for building, the 1,000 feet.....	3	9	
Hoops, whether coiled or straight, the 1,200 pieces.....	6	0	
All other kinds except in naves, felloes, spokes, and unsquared posts, the 100 cubic feet.....	8	4	
Shingles of all descriptions, the 1,000.....	1	6	
Staves white and red oak, whether loose or made up in bundles or shooks, the 1,200 pieces.....	3	0	
Oxbows, the dozen.....	0	6	
Truss Hoops, the set of nine...	1	3	
All other articles not in this Table particularly enumerated or in Table B particularly exempted to pay eight per cent ad-			

valorem, except boots and shoes made wholly or in part of leather which shall pay four per cent. advalorem.

TABLE B.

EXEMPTIONS FROM DUTY.

All articles for the use of the Governor of the Island.

All articles and things whatsoever imported by the local government for the police or for public institutions.

All articles specially imported for the use or decoration or building or repairing of any place of worship, and not imported for sale on the certificate to that effect of the officiating minister.

All articles and things of every description imported by any naval officer on full pay in Her Majesty's service for his use and accommodation on the certificate to that effect of the officer so importing.

The Governor, purchasing any articles whatsoever, shall be entitled, to have the duty refunded to him out of the Public Treasury on the warrant of the Governor-in-Executive Committee, on the certificate that he is entitled to the refund.

Where horses are purchased by the Governor, direct from the importer within six months after the date of import, the duty shall be allowed him on the warrant of the Governor-in-Executive Committee, on the certificate that he is entitled to the refund.

All articles and things of every description, imported as general, military, or naval stores for the use of Her Majesty's Military and Naval Forces, and all building materials and

supplies, imported or taken out of bond under the authority of Her Majesty's Treasury, for military and naval services, under certificate from the head of the department concerned. Chargers imported by, and *bona fide* the property of field-officers, or departmental officers of relative rank, or of staff officers or adjutants of regiments, and necessary for the proper discharge of their military duties, under a certificate from the Assistant Adjutant General.

Articles of personal and horse equipment necessary for the performance of military duty, under a certificate from the head of the department concerned. Horses imported for the Commissariat department or purchased for the Commissariat department within six months of their being imported, under a certificate from the head of the Commissariat department.

Animals alive—to include only asses, sheep, goats, hogs, and poultry, and horses for breeding.

Asphalt

Beef—including tongues, smoked and dried

Beef and Pork preserved in cans

Belting for machinery of leather canvass or india rubber

Blubber and heads and offals of fish

Boats and lighters

Bones and Horns

Books bound and unbound, pamphlets newspapers and printed matter in all languages, forms and papers (whether printed or Manuscript,) Maps, Charts, School Globes, Engravings, Music, Pictures, Statues, and other works of Art.

Bottles of Glass or Stoneware

Bran, middlings and shorts

Bridges of iron, or wood or both combined
Brooms, Brushes and whisks of broom
straw

Bullion, Coin and Diamonds including gold
and silver coin of the United States.

Calves, sucking, and Foals

Cassaripe

Candles, Tallow.

Carts, waggons, cars and barrows with or
without springs for ordinary roads and
agricultural use not including vehicles
of pleasure.

Cattle

Clocks, mantel or wall.

Copper, bronze, zinc, and lead articles plain
and nickel plated for industrial and do-
mestic uses and for building

Cocoanuts

Cotton wool

Cotton seed and its products

Crucibles and melting pots of all kinds.

Eggs

Fresh fish and turtle

Fish on ice and salmon and oysters in cans

Fishing apparatus of all kinds

Fruit, and Vegetables fresh and dried when
not canned tinned or bottled

Fresh Meats

Fuel, Wood and Charcoal

Gas fixtures and pipes

Gravel, sand, soil, earth and peat

Green Ginger

Hay and Straw for forage and other pur-
poses

Hoesticks

Horses brought into the Island by Equestrian
Companies, provided the same are taken
away by them on leaving, and Race Horses
on every occasion after the first importa-

- tion thereof, provided no drawback had been claimed thereon on exportation.
- Houses of Wood complete.
- Hulls, boats, masts, spars, apparel, tackle and Furniture of vessels condemned by Survey, and on which Tonnage duty shall have been paid.
- India Rubber and gutter percha goods including waterproof clothing made wholly or in part thereof.
- Implements utensils and tools for agriculture exclusive of cutlasses and forks.
- Lamps and Lanterns.
- Leeches.
- Lemon and Lime Juice.
- Lime—building and temper—and all other kinds and Limestone.
- Live and Dead Stock—not enumerated in Table A.
- Locomotives, Railway rolling stock rails, railway ties and all material and appliances for railways and tramways.
- Logwood.
- Machinery to be used for the reaping or manufacture of sugar.
- Manure including Fertilizers of all kinds natural and artificial.
- Marble or Alabaster in the rough or squared worked or carved for building purposes or monuments.
- Medicinal extracts and preparations of all kinds including proprietary or patent medicines, exclusive of quinine or preparations of quinine, opium, gange or bhang.
- Metals—old iron and old lead.
- Molasses.
- Oars and Sweeps.
- Packages in which goods are imported ex-

- cept New Trunks, Vats, Hogsheads, and Puncheons.
- Passengers' baggage containing apparel and articles of *personal use*, and professional apparatus.
- Patterns and samples of no intrinsic value.
- Personal effects of individuals, belonging to this Island dying abroad.
- Paper of all kinds for printing.
- Paper of wood or straw for wrapping and packing, including surface coated or glazed.
- Photographic apparatus and chemicals.
- Printers Ink, all colours.
- Printing presses, Types, rules spaces and all accessories for printing.
- Pozzolana.
- Quick Silver.
- Rags.
- Rawhides and Skins
- Salt.
- Sawdust.
- Soda Water and Mineral Water.
- Specimens Illustrative of Natural History. seeds, bulbs, and Roots, and Cuttings of plants or Shrubs of all kinds.
- Spars.
- Sugar, Raw or Muscovado.
- Sugar, crystallised vacuum pan.
- Sewing Machines and all parts and accessories thereof.
- Shipbuilding materials and accessories of all kinds when used in the construction, equipment or repair of vessels or boats of any kind, except rope and cordage of all kinds including wire rope.
- Starch of Indian corn or maize.
- Steam and power engines and Machinery and apparatus, whether stationary or

portable, worked by power or by hand, for agriculture irrigation, mining, the arts and industries of all kinds, and all necessary parts and appliances for the erection or repair thereof, or the communication of motive power thereto.

Steam boilers and steam pipes.

Sulphur.

Tablets, and Tombstones and all the appurtenances thereto, imported specially for immediate erection and not for sale on certificate of the person for whom imported.

Tar, Pitch Resin, and Turpentine.

Turtle and Tortoise Shell unmanufactured.

Tan, bark, of all kinds, whole or ground

Telegraph Wire, Telegraphic, Telephonic and Electrical apparatus, and appliances of all kinds for communication or illumination.

Trees, plants vines and seeds and grain of all kinds for propagation or cultivation.

Varnish not containing spirits.

Wall papers.

Watches when not cased in gold or silver, and Watch movements uncased.

Water pipes of all classes material and dimensions.

Wire for fences with the hooks, staples, nails and the like appliances for fastening the same.

Yeast cake and Baking powders.

Zinc, Tin and Lead in Sheets asbestos and tarpaper for roofing.

(Assented to 5th January 1892.)

BARBADOS.

An Act to provide for the loss caused to the revenue by the agreement with the United States Government under the McKinley Tariff Act.

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows;—

1. Section sixty-eight of "The Rum Duty Act, 1887" is hereby amended by the substitution of the word "ten pence" for the word "sixpence" in the sixth line thereof. Increases excise duty on rum.

2. In the Table "A" in the schedule to "The Customs Tariff Act, 1891," under the head of Liquors, the following duties shall be collected on the several articles hereinafter specified instead of the duties therein mentioned, viz :— Increases customs duties on certain kinds of Liquors.

Spirits and Cordials (except	£	s.	d.
Rum and Gin and perfumed Spirits to be used as	0	10	0
perfumery only) the gallon			
Wine—Sparkling the gallon	0	5	0
Wine—all other kinds the gallon.....	0	2	0

3. "The Rum Duty Act 1887" and "The Customs Tariff Act, 1891" are hereby repealed so far as is necessary to give effect to this Act but no further. Repeal.

4. This Act and "The Rum Duty Act, 1887" and "The Customs Tariff Act, 1891" (hereinafter called the principal Acts) shall be read as one Act. Construction.

Act to be omitted from new edition of the laws. 5. In preparing and printing the new edition of the laws of Barbados, the Commissioners shall make the several alterations required by this Act in the principal Acts, and when the alterations required to be made by this Act have been made, the Commissioners shall omit this Act from such new edition of the laws.

CAP. XCI

(Assented to 15th January 1892.)

BARBADOS.

An Act to consolidate and amend the law relating to bills of lading.

BE it enacted by the Governor, Council, and Assembly of this island, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Bills of Lading Act, 1891."

Rights and liabilities of consignee and indorsee.

2. Every consignee of goods named in a bill of lading, and every indorsee of a bill of lading, to whom the property in the goods therein mentioned shall pass, upon or by reason of such consignment or indorsement shall have transferred to and vested in him all rights of suit, and be subject to the same liabilities in respect of such goods as if the contract contained in the bill of lading had been made with himself.

Act not to affect right to stop in transitu.

3. Nothing herein contained shall prejudice or affect any right of stoppage in transitu, or any right to claim freight against the original shipper or owner or any liability of the consignee or indorsee by reason or in consequence of his being such consignee

or indorsee or of his receipt of the goods by reason or in consequence of such consignment or indorsement.

4. Every bill of lading in the hands of a consignee or indorsee for valuable consideration representing goods to have been shipped on board a vessel shall be conclusive evidence of such shipment as against the master or other person signing the same notwithstanding that such goods or some part thereof may not have been so shipped, unless such holder of the bill of lading shall have had actual notice at the time of receiving the same that the goods had not been in fact laden on board: provided that the master or other person so signing may exonerate himself in respect of such misrepresentation by shewing that it was caused without any default on his part and wholly by the fraud of the shipper or of the holder or some person under whom the holder claims.

5. In any proceedings taken in this island against the owner or charterer of any ship or other person in respect of any bill of lading or other contract of affreightment relating to goods and merchandize brought to this island by any such ship as aforesaid, the recognized or ostensible agent in this island of such owner, charterer or other person or if no such agent the master of such ship shall be deemed and taken to be the legally qualified agent of such owner charterer or other person on whom all process issued in proceedings taken against such owner, charterer or other person shall be served, and such agent or master shall in all respects represent such owner, charterer or other person in any such

Bill of lading
conclusive evidence
of shipment.

Who to represent
owner or charterer
of ship in proceed-
ings on bill of lad-
ing.

proceedings, and all such proceedings shall be binding on the owners and charterers or other person as aforesaid.

Moneys in hands
of representative
may be attached.

6. Moneys in the hands of or coming to such agent or master as aforesaid belonging or payable to such owner, charterer or other person as aforesaid, shall for the purposes of this Act be deemed to be a debt within the meaning of "The Judgment Creditors Remedies Act, 1891," and the agent or master shall for the purposes of that Act be deemed to be garnishees within the meaning of the said Act.

Repeal.

7. The Act of the first day of May one thousand eight hundred and seventy nine, entitled "An Act to amend the law relating to Bills of Lading," is hereby repealed, provided that ;

(1.) Any rule of practice now in force whether made under the enactment hereby repealed or not shall continue and be in force until otherwise provided.

(2.) Any enactment or document referring to the Act or enactment hereby repealed, shall be construed to refer to this Act or to the corresponding enactment in this Act.

(3.) This repeal shall not affect

- (a) the past operation of the enactment hereby repealed nor any thing duly done or suffered under the enactment hereby repealed ; or
- (b) any right, privilege, obligation, or liability acquired, accrued or incurred under the enactment hereby repealed ; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the enactment hereby repealed ; or

(d) any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding and remedy may be carried on as if this Act had not passed; or

(e.) any Act in which the enactment hereby repealed has been applied, incorporated or referred to.

(4.) This repeal shall not revive any enactment, right, office, privilege, matter or thing not in force or existing at the passing of this Act.

CAP. XCII.

(Assented to 15th January, 1892.)

BARBADOS.

An Act to amend "*The Petty Debt Act, 1890*," and "*The Police Magistrates Act, 1891*."

BE it enacted by the Governor, Council and Assembly of this island, and by the authority of the same, as follows ;

1. Section four of "*The Petty Debt Act, 1890*," is hereby amended by the substitution in the third line of the words "four hundred and fifty" for the words "four hundred." Amends section 4 of "*The Petty Debt Act 1890*."

2. Sub-section (1) of section four of "*The Police Magistrates Act, 1891*," is hereby amended by the substitution in the third line of the words "four hundred and fifty" for the words "four hundred." Amends section 4 sub-section 1 of "*The Police Magistrates Act, 1891*."

Construction.

3. This Act and "The Petty Debt Act, 1890," and "The Police Magistrates Act, 1891," (hereinafter called the principal Acts) shall be read as one Act.

Act to be omitted from new edition of the laws.

4. In preparing and printing the new edition of the laws of Barbados the Commissioners shall make the several alterations required by this Act in the principal Acts, and when the alterations required to be made by this Act have been made, the Commissioners shall omit this Act from such new edition of the laws.

Suspending section.

5. This Act shall not come into operation unless and until the Officer Administering the Government notifies by proclamation that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the Officer Administering the Government shall notify by the same or any other proclamation.

CAP. XCIII.

(Assented to 26th January, 1892.)

BARBADOS.

An Act to provide for the incorporation, management and winding up of trading companies and other associations.

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows ;

Preliminary.

Short title.

1. This Act may be cited as "The Companies Act, 1892."

Interpretation of terms.

2. In this Act unless the context otherwise requires,

“the court” means the court of common pleas, or the judge ;

“the judge” means the chief justice of this colony ;

“the registrar” means the registrar of joint stock companies hereinafter mentioned ;

For the purposes of this Act, a company which carries on the business of insurance in common with any other business or businesses shall be deemed to be an insurance company. Definition of insurance company,

3. (1) No company, association, or partnership consisting of more than ten persons, shall be formed after the passing of this Act for the purpose of carrying on the business of banking, unless it is registered as a company under this Act, or is formed in pursuance of some other Act or of letters patent. Prohibition of partnerships exceeding certain number.

(2) No company, association, or partnership consisting of more than twenty persons shall be formed, after the passing of this Act, for the purpose of carrying on any business other than banking, that has for its object the acquisition of gain by the company, association, or partnership, or by the individual members thereof, unless it is registered as a company under this Act, or is formed in pursuance of some other Act or of letters patent.

PART I.

CONSTITUTION AND INCORPORATION.

Memorandum of Association.

4. Any five or more persons associated for any lawful purpose may, by subscribing their names to a memorandum of association and otherwise complying with the requirements of this Act in respect of registration, Mode of forming company.

form an incorporated company, with or without limited liability.

Mode of limiting
liability of mem-
bers.

5. The liability of the members of a company formed under this Act may, according to the memorandum of association, be limited either to the amount, if any, unpaid on the shares respectively held by them or to such amount as the members may respectively undertake by the memorandum of association to contribute to the assets of the company in the event of its being wound up.

Memorandum of
association of a
company limited by
shares.

6. Where a company is formed on the principle of having the liability of its members limited to the amount unpaid on their shares, hereinafter referred to as a company limited by shares, the memorandum of association shall contain the following things; that is to say,—

(1) the name of the proposed company, with the addition of the word “limited” as the last word in such name;

(2) the place within this island in which the registered office of the company is proposed to be situate;

(3) the objects for which the proposed company is to be established;

(4) a declaration that the liability of the members is limited; and

(5) the amount of capital with which the company proposes to be registered, divided into shares of a certain fixed amount; Subject to the following regulations:

(a) that no subscriber shall take less than one share; and

(b) that each subscriber of the memorandum of association shall write opposite to his name the number of shares which he takes.

Memorandum of

7. Where a company is formed on the

principle of having the liability of its members limited to such amount as the members respectively undertake to contribute to the assets of the company in the event of the same being wound up, hereinafter referred to as a company limited by guarantee, the memorandum of association shall contain the following things; that is to say,—

(1) the name of the proposed company, with the addition of the word “limited” as the last word in such name;

(2) the place within this island in which the registered office of the company is proposed to be situate;

(3) the objects for which the proposed company is to be established; and

(4) a declaration that each member undertakes to contribute to the assets of the company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the company contracted before the time at which he ceases to be a member, and of the costs, charges, and expenses of winding up the company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required, not exceeding a specified amount.

8. Where a company is formed on the principle of having no limit placed on the liability of its members, hereinafter referred to as an unlimited company, the memorandum of association shall contain the following things; that is to say,—

association of a company limited by guarantee.

Memorandum of association of an unlimited company

(1) the name of the proposed company;

(2) the place within this island in which

the registered office of the company is proposed to be situate; and

(3) the objects for which the proposed company is to be established.

Signature and
effect of memorandum
of association

9. (1) The memorandum of association shall be signed by each subscriber in the presence of and attested by one witness at the least, and such attestations shall be a sufficient attestation for all purposes whatsoever.

(2) It shall, when registered, bind the company and the members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in the memorandum contained, on the part of himself, his heirs, executors, and administrators, a covenant to observe all the conditions of such memorandum, subject to the provisions of this Act.

Power of certain
companies to alter
memorandum of as-
sociation.

10. Any company limited by shares may so far modify the conditions contained in its memorandum of association, if authorised to do so by its regulations as originally framed or as altered by special resolution in manner hereinafter mentioned, as

(1) to increase its capital by the issue of new shares of such amount as it thinks expedient; or

(2) to consolidate and divide its capital into shares of larger amount than its existing shares, or to convert its paid up shares into stock.

But save as aforesaid, and save as is hereinafter provided in the case of a change of name, rendering unlimited the liability of its directors or managers or of the managing director, reduction of capital and shares, and subdivision of shares, no altera-

tion shall be made by any company in the conditions contained in its memorandum of association.

11. (1) Any company under this Act may, with the sanction of a special resolution of the company passed in manner hereinafter mentioned, change its name. Power of companies to change name.

(2) Upon such change being made, the Registrar shall enter the new name on the register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case.

(3) No such alteration of name shall affect any rights or obligations of the company, or render defective any legal proceedings instituted or to be instituted by or against the company, and any legal proceedings may be continued or commenced against the company by its new name that might have been continued or commenced against the company by its former name.

Alteration of memorandum of association, &c.

12. (1) Subject to the provisions of this Act, a company may, by special resolution, alter the provisions of its memorandum of association, or deed of settlement with respect to the objects of the company, so far as may be required for any of the purposes hereinafter specified, or alter the form of its constitution by substituting a memorandum and articles of association for a deed of settlement, either with or without any such alteration as aforesaid with respect to the objects of the company, but in no case shall any such alteration take effect until confirmed on petition by the court. Power for company to alter objects or form of constitution subject to confirmation by court.

(2.) Before confirming any such alteration the court must be satisfied.

(a) that sufficient notice has been given to every holder of debentures or debenture stock of the company, and any persons or class of persons whose interests will, in the opinion of the court, be affected by the alteration; and

(b) that, with respect to every creditor who in the opinion of the court is entitled to object, and who signifies his objection in manner directed by the court, either his consent to the alteration has been obtained or his debt or claim has been discharged or has determined, or has been secured to the satisfaction of the court.

Provided that the court may, in the case of any person or class of persons, for special reasons, dispense with the notice required by this section.

(3.) An order confirming any such alteration may be made on such terms and subject to such conditions as to the court seems fit, and the court may make such orders as to costs as it deems proper.

(4.) The court shall, in exercising its discretion under this Act, have regard to the rights and interests of the members of the company, or of any class of those members, as well as to the rights and interests of the creditors, and may, if it thinks fit, adjourn the proceedings in order that an arrangement may be made to the satisfaction of the court for the purchase of the interests of dissentient members: and the court may give such directions and make such orders as it may think expedient for the purpose of

facilitating any such arrangement or carrying the same into effect; provided always that it shall not be lawful to expend any part of the capital of the company in any such purchase.

(5.) The court may confirm, either wholly or in part any such alterations as aforesaid with respect to the objects of the company if it appears that the alteration is required in order to enable the company

- (a) to carry on its business more economically or more efficiently; or
- (b) to attain its main purpose by new or improved means; or
- (c) to enlarge or change the local area of its operations; or
- (d) to carry on some business or businesses which under existing circumstances may conveniently or advantageously be combined with the business of the company; or
- (e) to restrict or abandon any of the objects specified in the memorandum of association or deed of settlement.

13. (1) Where a company has altered the provisions of its memorandum of association or deed of settlement with respect to the objects of the company, or has altered the form of its constitution by substituting a memorandum and articles of association for a deed of settlement, and such alteration has been confirmed by the court, an office copy of the order confirming such alteration together with a copy of the memorandum of association or deed of settlement so altered, or together with a copy of the substituted memorandum and articles of association, (as the case may be) shall be delivered by the company to the registrar of

Registration of order together with memorandum as altered or substituted memorandum and articles and consequences thereof.

joint stock companies within fifteen days from the date of the order, and the registrar shall register the same, and shall certify under his hand the registration thereof, and his certificate shall be conclusive evidence that all the requisitions of this Act with respect to such alteration and the confirmation thereof have been complied with, and thenceforth (but subject to the provisions of this Act) the memorandum or deed of settlement so altered shall be the memorandum of association or deed of settlement of the company, or, as the case may be, such substituted memorandum and articles of association shall apply to the company in the same manner as if the company were a company registered under this Act with such memorandum and articles of association, and the company's deed of settlement shall cease to apply to the company.

(2.) If a company makes default in delivering to the registrar any document required by the preceding sub-section of this section to be delivered to him, the company shall be liable to a penalty not exceeding ten pounds for every day during which it is in default.

(3.) In this and the preceding section the expression "deed of settlement" includes any contract of co-partnery or other instrument constituting or regulating the company and not being an Act of the legislature, a royal charter, or letters patent.

Articles of Association.

Regulations to be prescribed by articles of association.

14. (1.) The memorandum of association may, in the case of a company limited by shares, and shall in the case of a company limited by guarantee or unlimited be accompanied, when registered, by articles of as-

sociation signed by the subscribers to the memorandum of association, and prescribing such regulations for the company as the subscribers to the memorandum of association deem expedient.

(2) The articles shall be expressed in separate paragraphs, numbered arithmetically.

(3) They may adopt all or any of the provisions contained in the Table marked A in the first schedule to this Act.

(4) They shall, in the case of a company, whether limited by guarantee or unlimited, that has a capital divided into shares, state the amount of capital with which the company proposes to be registered, and in the case of a company, whether limited by guarantee or unlimited, that has not a capital divided into shares, state the number of members with which the company proposes to be registered, for the purpose of enabling the Registrar to determine the fees payable on registration.

(5) In a company limited by guarantee or unlimited and having a capital divided into shares, each subscriber shall take one share at the least and shall write opposite to his name in the memorandum of association the number of shares which he takes.

15. In the case of a company limited by shares, if the memorandum of association is not accompanied by articles of association, or in so far as the articles do not exclude or modify the regulations contained in the Table marked A in the first schedule to this Act, the last mentioned regulations shall, so far as the same are applicable, be deemed to be the regulations of the company in the same manner and to the same extent as if

Application of
Table A.

they had been inserted in the articles of association and the articles had been duly registered:

Signature and effect of articles of association.

16. (1) The articles of association shall be written or printed or be partly written and partly printed, and shall be signed by each subscriber in the presence of, and be attested by, one witness at the least, and such attestation shall be a sufficient attestation for all purposes whatsoever. They shall, when registered, bind the company and the members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in such articles contained, on the part of himself, his heirs, executors, and administrators, a covenant to conform to all the regulations contained in such articles, subject to the provisions of this Act.

(2) All moneys payable by any member of the company in pursuance of the conditions and regulations of the company or any of such conditions or regulations, shall be deemed to be a specialty debt due from such member to the company.

General provisions.

Registration of memorandum of association and articles of association with fees as in Table B.

17 (1) The memorandum of association and the articles of association, if any, shall be delivered to the Registrar, who shall retain and register the same.

(2) There shall be paid to the Registrar for his own use by a company having a capital divided into shares, in respect of the several matters mentioned in the Table marked B in the first schedule to this Act, the several fees therein specified or such smaller fees as the Governor-in-Executive Committee may from time to time direct; and by a company not

having a capital divided into shares in respect of the several matters mentioned in the Table marked C in the said schedule, the several fees therein specified, or such smaller fees as the Governor-in-Executive Committee may from time to time direct.

18. (1) Upon the registration of the memorandum of association, and of the articles of association in cases where articles of association are required, by this Act or by the desire of the parties, to be registered, the Registrar shall certify under his hand that the company is incorporated, and, in the case of a limited company, that the company is limited. Effect of registration.

(2) The subscribers of the memorandum of association, together with such other persons as may from time to time become members of the company, shall thereupon be a body corporate by the name contained in the memorandum of association, capable forthwith of exercising all the functions of an incorporated company, and having perpetual succession and a common seal, with power to hold lands and to sue and be sued, but with such liability on the part of the members to contribute to the assets of the company, in the event of the same being wound up, as is hereinafter mentioned.

(3) A certificate of the incorporation of any company given by the Registrar shall be conclusive evidence that all the requirements of this Act in respect of registration have been complied with; provided always that any certificate of the incorporation of any company given by the Registrar for the time being shall be received in evidence as if it were the original certificate, and any Reception of certified copies of documents as legal evidence.

copy of or extract from any of the documents or part of the documents kept and registered at the office for the registration of joint stock companies, shall, if duly certified to be a true copy under the hand of the Registrar for the time being, and whom it shall not be necessary to prove to be the Registrar, in all legal proceedings, civil or criminal, and in all cases whatsoever, be received in evidence as of equal validity with the original document.

Copies of memorandum and articles to be given to members.

19. (1) A copy of the memorandum of association, having annexed thereto a copy of the articles of association, if any, shall be forwarded to every member, at his request, on payment of the sum of one shilling for each copy.

(2) If any company makes default in forwarding a copy of the memorandum of association and articles of association, if any, to a member, in pursuance of this section, the company so making default, shall for each such offence incur a penalty not exceeding one pound.

Prohibition against identity of names in companies.

20. (1) No company shall be registered under a name identical with that by which a subsisting company is already registered, or so nearly resembling the same as to be calculated to deceive, except in a case where such subsisting company is in the course of being dissolved and testifies its consent in such manner as the Registrar requires.

(2) If any company through inadvertence or otherwise, is, without such consent as aforesaid, registered by a name identical with that by which a subsisting company is registered, or so nearly resembling the same as to be calculated to deceive, such first mentioned company may, with the sanction of

the Registrar, change its name, and upon such change being made, the Registrar shall enter the new name in the register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the company, or render defective any legal proceedings instituted or to be instituted by or against the company, and any legal proceedings may be continued or commenced against the company by its new name that might have been continued or commenced against the company by its former name.

PART II.

REGISTER, CAPITAL, LIABILITY OF MEMBERS, ETC.

Register of members.

21. (1) Every company under this Act shall cause to be kept in one or more books a register of its members, and there shall be entered therein the following particulars; namely,—

(a) the names and addresses and the occupations, if any of the members of the company, with the addition, in the case of a company having a capital divided into shares, of a statement of the shares held by each member, distinguishing each share by its number, and of the amount paid or agreed to be considered as paid on the shares of each member;

(b) the date at which the name of any person was entered in the register as a member; and

(c) the date at which any person ceased to be a member.

Register of mem-
bers.

(2) Any company acting in contravention of this section shall incur a penalty not exceeding five pounds for every day during which its default in complying with the provisions of this section continues; and every director or manager of the company who knowingly and wilfully authorises or permits such contravention shall incur the like penalty.

Annual list of
members.

22. (1) Every company under this Act having a capital divided into shares shall make, once at least in every year, a list of all persons who on the fourteenth day succeeding the day on which the ordinary general meeting or, if there is more than one ordinary meeting in every year, the first of such ordinary general meetings, is held, are members of the company; and such list shall state the names, addresses and occupations, if any, of all the members therein mentioned, and the number of shares held by each of them, and shall contain a summary specifying the following particulars; that is to say:—

Particulars to be
contained in sam-
mary.

(a) the amount of the capital of the company and the number of the shares into which it is divided;

(b) the number of shares taken from the commencement of the company up to the date of the summary;

(c) the amount of calls made on each share;

(d) the total amount of calls received;

(e) the total amount of calls unpaid;

(f) the total amount of shares forfeited;

(g) the names, addresses and occupations, if any, of the persons who have ceased to be members since the last list was made, and the number of shares held by each of them;

(h) the total amount of shares or stock for

which share warrants are outstanding at the date of the summary; and

(i) the total amount of share warrants which have been issued and surrendered respectively since the last summary was made, and the number of shares or amount of stock comprised in each warrant.

(2) The above list and summary shall be contained in a separate part of the register, and shall be completed within seven days after such fourteenth day as is mentioned in this section, and a copy shall forthwith be forwarded to the Registrar.

23. If any company under this Act having a capital divided into shares makes default in complying with the provisions of this Act with respect to forwarding such list of members or summary as is hereinbefore mentioned to the Registrar, it shall incur a penalty not exceeding five pounds for every day during which such default continues; and every director or manager of the company who knowingly and wilfully authorises or permits such default shall incur the like penalty. Penalty on company &c. not keeping a proper register.

24. (1) Every company under this Act having a capital divided into shares that has consolidated and divided its capital into shares of larger amount than its existing shares, or converted any portion of its capital into stock, shall give notice to the Registrar of such consolidation, division, or conversion, specifying the shares so consolidated divided or converted. Company to give notice of consolidation or of conversion of capital into stock.

(2) Where any company as aforesaid has converted any portion of its capital into stock and given notice of such conversion to the Registrar, all the provisions of this Act which are applicable to shares only shall Effect of conversion of shares into stock.

cease as to so much of the capital as is converted into stock; and the register of members hereby required to be kept by the company, and the list of members to be forwarded to the Registrar shall show the amount of stock held by each member in the list, instead of the amount of shares and the particulars relating to shares hereinbefore required.

Entry of trusts on register.

25. No notice of any trust, expressed, implied, or constructive, shall be entered on the register or be receivable by the Registrar, in the case of companies registered under this Act.

f Certificate of shares or stock.

26. A certificate under the common seal of the company specifying any share or shares or stock held by any member of a company shall be *prima facie* evidence of the title of the member to the share or shares or stock therein specified.

Inspection of register.

27. (1) The register of members, commencing from the date of the registration of the company, shall be kept at the registered office of the company, hereinafter mentioned, and, except when closed as hereinafter mentioned, it shall during business hours, but subject to such reasonable restrictions as the company in general meeting may impose, so that not less than two hours in each day are appointed for inspection, be open to the inspection of any member gratis, and to the inspection of any other person on the payment of one shilling, or such less sum as the company may prescribe, for each inspection.

(2) Every such member or other person may require a copy of such register or any part thereof, or of such list or summary of members as is hereinbefore mentioned on pay-

ment of sixpence for every hundred words required to be copied.

(3) If such inspection or copy is refused, the company shall incur for each refusal a penalty not exceeding two pounds, and a further penalty, not exceeding two pounds, for every day during which such refusal continues; and every director and manager of the company who knowingly authorises or permits such refusal shall incur the like penalty; and, in addition to the above penalty the Judge in chambers may, by order, compel an immediate inspection of the register.

23. Any company under this Act may, upon giving notice by advertisement in the Official Gazette and in some newspaper of this island, close the register of members for any time or times, not exceeding in the whole thirty days in each year.

Power to close register.

29. (1) If the name of any person is, without sufficient cause, entered in or omitted from the register of members of any company under this Act, or if default is made or unnecessary delay takes place in entering on the register the fact of any person having ceased to be a member of the company, the person or member aggrieved, or any member of the company, or the company itself, may by motion in the court, or by application to the Judge in chambers, apply for an order that the register may be rectified.

Remedy for improper entry or omission of entry in register.

(2) The court or judge may either refuse such application, with or without costs, to be paid by the applicant, or may, if satisfied of the justice of the case, make an order for the rectification of the register, and may direct the company to pay all the costs of such motion, application, or petition, and any damages which the party aggrieved may have sustained.

(3) The court or judge may, in any proceeding under this section, decide on any question relating to the title of any person, who is a party to such proceeding, to have his name entered in or omitted from the register, whether such question arise between two or more members or alleged members, or between any members or alleged members, and the company, and generally the court or judge may in such proceeding decide any question that it may be necessary or expedient to decide for the rectification of the register; provided that the court or judge may direct an issue to be tried in which any question of law may be raised for the decision of the court.

Notice to registrar of rectification of register.

30. Whenever any order has been made rectifying the register in the case of a company hereby required to send a list of its members to the Registrar, the court or judge shall, by order direct that due notice of such rectification be given to the Registrar.

Register to be evidence.

31. The register of members shall be *prima facie* evidence in all courts and for all purposes whatsoever of any matters by this Act authorised or directed to be inserted therein.

Distribution of capital.

Nature of interest in company.

32. The shares or other interest of any member in a company under this Act shall be personal estate, capable of being transferred in manner provided by the regulations of the company, and shall not be of the nature of real estate; and each share shall, in the case of a company having a capital divided into shares, be distinguished by its appropriate number.

Definition of "member."

33. The subscribers of the memorandum of association of any company under this

Act shall be deemed to have agreed to become members of the company whose memorandum they have subscribed, and shall, upon the registration of the company, be entered as members on the register of members; and every other person who has agreed to become a member of the company under this Act and whose name is entered on the register of members, shall be deemed to be a member of the company.

34. Any transfer of the share or other interest of a deceased member of a company under this Act made by his personal representative shall, notwithstanding such personal representative may not himself be a member, be of the same validity as if he had been a member at the time of the execution of the instrument of transfer.

Transfer by personal representative.

Increase of capital.

35. (1) Where a company has a capital divided into shares, whether such shares may or may not have been converted into stock, notice of any increase in such capital beyond the registered capital, and where a company has not a capital divided into shares, notice of any increase in the number of members beyond the registered number shall be given to the registrar, in the case of an increase of capital, within fifteen days from the date of the passing of the resolution by which such increase has been authorised, and, in the case of an increase of members within fifteen days from the time at which such increase of members has been resolved on or has taken place; and the Registrar shall forthwith record the amount of such increase of capital or members.

Notice of increase of capital and of members to be given to registrar.

(2) If such notice is not given within the period aforesaid, the company in default shall incur a penalty not exceeding five pounds for every day during which such neglect to give notice continues ; and every director and manager of the company who knowing and wilfully authorises or permits such default shall incur the like penalty.

Reduction of capital.

Power to company to reduce capital.

36. Any company limited by shares, may, by special resolution, so far modify the conditions contained in its memorandum of association, if authorised so to do by its regulations as originally framed or as altered by special resolution, as to reduce its capital ; but no such resolution for reducing the capital of any company shall come into operation until an order of the court is registered by the Registrar as is hereinafter mentioned.

Company to add "and reduced" to its name for a limited period.

37. The company shall, after the date of the passing of any special resolution for reducing its capital, add to its name, until such date as the court may fix, the words " and reduced " as the last words in its name, and those words shall, until such date, be deemed to be part of the name of the company within the meaning of this Act.

Company to apply to the court for an order confirming reduction.

38. A company which has passed a special resolution for reducing its capital may apply to the court by petition for an order confirming the reduction, and, on the hearing of the petition, the court may, if satisfied that, with respect to every creditor of the company who, under the provisions of this Act is entitled to object to the reduction, either his consent to the reduction has been obtained or his debt or claim

has been discharged or has determined or has been secured as hereinafter provided, make an order confirming the reduction on such terms and subject to such conditions as it thinks fit.

39. (1) Where a company proposes to reduce its capital, every creditor of the company who, at the date fixed by the court, is entitled to any debt or claim which, if that date were the commencement of the winding-up of the company, would be admissible in proof against the company, shall be entitled to object to the proposed reduction, and to be entered in the list of creditors who are so entitled to object.

Creditors may object to reduction and list of objecting creditors to be settled by the court.

(2) The court shall settle a list of such creditors, and for that purpose shall ascertain as far as possible, without requiring an application from any creditor, the names of such creditors and the nature and amount of their debt or claims, and may publish notices fixing a certain day or days within which creditors of the company who are not entered on the list are to claim to be so entered, or to be excluded from the right of objection to the proposed reduction.

40. Where a creditor whose name is entered on the list of creditors and whose debt or claim is not discharged or determined, does not consent to the proposed reduction, the court may, if it thinks fit, dispense with such consent on the company securing the payment of the debt or claim of such creditor by setting apart and appropriating, in such manner as the court may direct, a sum of such amount as is herein-after mentioned, that is to say,—

Court may dispense with consent of creditor on security being given for his debt.

(1) If the full amount of the debt or claim of the creditor is admitted by

the company, or, though not admitted, is such as the company are willing to set apart and appropriate, then the full amount of the debt or claim shall be set apart and appropriated ; and

- (2) If the full amount of the debt or claim of the creditor is not admitted by the company, and is not such as the company are willing to set apart and appropriate, or if the amount is contingent or not ascertained, then the court may, if it thinks fit, inquire into and adjudicate upon the validity of such debt or claim, and the amount for which the company may be liable in respect thereof, in the same manner as if the company were being wound up by the court, and the amount fixed by the court on such inquiry and adjudication shall be set apart and appropriated.

Order and minute
to be registered.

41. (1) The Registrar shall, upon the production to him of an order of the court confirming the reduction of the capital of a company, and the delivery to him of a copy of the order and of a minute, approved by the court, showing with respect to the capital of the company, as altered by the order, the amount of such capital, the number of shares into which it is to be divided, and the amount of each share, register the order and minute, and, on such registration, the special resolution confirmed by the order so registered shall take effect.

(2) Notice of such registration shall be published in such manner as the court may direct.

(3) The Registrar shall certify under his

hand the registration of the order and minute, and his certificate shall be conclusive evidence that all the requirements of this Act with respect to the reduction of capital have been complied with, and that the capital of the company is such as is stated in the minute.

42. The minute shall, when registered be deemed to be substituted for the corresponding part of the memorandum of association of the company, and shall be of the same validity and subject to the same alterations as if it had been originally contained in the memorandum of association, and, subject as in this Act mentioned, no member of the company, whether past or present, shall be liable in respect of any share to any call or contribution exceeding in amount the difference, if any, between the amount which has been paid on such share and the amount of the share as fixed by the minute.

Minute to form
part of memorandum of association.

43. If any creditor who is entitled in respect of any debt or claim to object to the reduction of the capital of a company under this Act is, in consequence of his ignorance of the proceedings taken with a view to such reduction, or of their nature and effect with respect to his claim, not entered on the list of creditors, and after such reduction the company is unable, within the meaning of section one hundred and sixteen, to pay to the creditor the amount of such debt or claim, every person who was a member of the company at the date of registration of the order and minute relating to the reduction of the capital of the company, shall be liable to contribute, for the payment of such debt or claim, an amount not exceeding the

Saving of rights
of creditors who
are ignorant of proceedings.

amount which he would have been liable to contribute if the company had commenced to be wound up on the day prior to such registration ; and, on the company being wound up, the court may, if it thinks fit, on the application of such creditor and on proof that he was ignorant of the proceedings taken with a view to the reduction, or of their nature and effect with respect to his claim, settle a list of such contributories accordingly and make and enforce calls and orders on the contributories settled in such list in the same manner in all respects as if they were ordinary contributories in winding up : but the provisions of this section shall not affect the rights of the contributories of the company among themselves.

Copy of registered minute.

44. (1) A minute shall, when registered, be embodied in every copy of the memorandum of association issued after its registration.

(2) If any company makes default in complying with the provisions of this section, it shall incur a penalty not exceeding one pound for each copy in respect of which such default is made ; and every director and manager of the company who knowingly and wilfully authorises or permits such default shall incur the like penalty.

Penalty on concealment of name of creditor.

45. If any director, manager or officer of the company

- (1) wilfully conceals the name of any creditor of the company who is entitled to object to the proposed reduction ; or
- (2) wilfully misrepresents the nature or amount of the debt or claim of any creditor of the company : or

- (3.) aids or abets in or is privy to any such concealment or misrepresentation as aforesaid,

every such director, manager, or officer shall be deemed guilty of a misdemeanor, and shall be liable to be indicted, and, if convicted, to be punished accordingly.

46. Subject to the following provisions of this Act where the reduction of the capital of a company does not involve either the diminution of any liability in respect of unpaid capital, or the payment to any shareholder any paid up capital,

Provisions relating to reduction in certain specified cases.

- (1) the creditors of the company shall not, unless the court otherwise directs, be entitled to object or required to consent to the reduction; and

- (2) it shall not be necessary, before the presentation of the petition for confirming the reduction, to add, and the court may, if it thinks it expedient so to do, dispense altogether with the addition of the words "and reduced" as hereinbefore mentioned.

47. (1.) In any case in which the court thinks fit so to do, it may require the company to publish, in such manner as it thinks fit, thereasons for the reduction of its capital, or such other information in regard to the reduction of its capital as the court may think expedient, with a view to give proper information to the public in relation to the reduction of its capital by a company, and, if the court thinks fit, the causes which led to such reduction.

Power to the court to require publication of particulars relating to reduction of capital.

(2.) The minute required to be registered in the case of reduction of capital shall show in addition to the other particulars required by law, the amount, if any, at the date of

the registration of the minute proposed to be registered which is deemed to have been paid up on each share.

Power to reduce capital by the cancellation of unissued shares.

48. Any company limited by shares may so far modify the conditions contained in its memorandum of association, if authorised so to do by its regulations as originally framed or as altered by special resolution, as to reduce its capital by cancelling any shares which at the date of the passing such resolution, have not been taken, or agreed to be taken, by any person ; and the provisions of sections thirty four to forty three shall not apply to any reduction of capital made in pursuance of this section.

Accumulated profits may be returned to shareholders in reduction of paid up capital.

49. (1.) When any company has accumulated a sum of undivided profits which, with the consent of the shareholders may be distributed among the shareholders in the form of a dividend or bonus, it shall be lawful for the company, by special resolution, to return the same or any part thereof to the shareholders in reduction of the paid up capital of the company, the unpaid capital being thereby increased by a similar amount.

(2.) The powers vested in the directors of making calls upon the shareholders in respect of moneys unpaid upon the shares shall extend to the amount of unpaid capital as augmented by such reduction.

No resolution to take effect till particulars have been registered.

50. No such special resolution as aforesaid shall take effect until a memorandum, showing the particulars required by law in the case of a reduction of capital by order of the court, shall have been produced and registered by the Registrar.

Power to any shareholder within one month after

51. (1.) Upon any reduction of paid up capital made in pursuance of the two last preceding sections, it shall be lawful for any

shareholder or for any one or more of several joint shareholders, within one month after the passing of the special resolution for such reduction, to require the company to retain and the company shall retain accordingly, the whole of the moneys actually paid upon the shares held by such person, either alone or jointly with any other person or persons, and which in consequence of such reduction would otherwise be returned to him or them; and thereupon the shares in respect of which the said moneys are so retained shall, in regard to the payment of dividends thereon, be deemed to be paid up to the same extent only as the shares on which payment as aforesaid has been accepted by the shareholders in reduction of their paid up capital.

(2.) The company shall invest and keep invested the moneys so retained in such securities authorised for investment by trustees as the company may determine; and upon the moneys so invested, or upon so much thereof as from time to time exceeds the amount of calls subsequently made upon the shares in respect of which such moneys shall have been retained, the company shall pay such interest as may be received by them from time to time on such securities; and the amount so retained and invested shall be held to represent the future calls which may be made to replace the capital so reduced on those shares, whether the amount obtained on sale of the whole, or such proportion thereof as represents the amount of any call when made, produces more or less than the amount of such calls.

52. From and after such reduction of capital by the return of accumulated profits, the company shall specify in the annual lists

passing of resolution to require company to retain moneys paid upon shares held by such person.

Company to specify amounts which shareholders have

required them to re-
tain under sec-
tion 22,

also to specify
amounts of profits
returned to share-
holders.

Construction of
“capital” and pow-
ers to reduce capi-
tal.

Registration anew
of company.

of members to be made by them in pur-
suance of section twenty two the amounts
which any of the shareholders of the com-
pany have required the company to retain,
and the company has retained accordingly,
in pursuance of the last preceding section ;
and the company shall also specify, in the
statements of accounts laid before any gen-
eral meeting of the company, the amount of
the undivided profits of the company which
have been returned to the shareholder in re-
duction of the paid up capital of the com-
pany as hereinbefore mentioned.

53. The word “capital” as used in the
foregoing provisions relating to the reduc-
tion of capital, shall include paid up capital,
and the powers hereby conferred to reduce
capital shall include a power to cancel any
lost capital or any capital unrepresented
by available assets, or to pay off any capital
which may be in excess of the wants of the
company ; and paid up capital may be re-
duced either with or without extinguishing
or reducing the liability, if any, remaining
on the shares of the company, and, to the
extent to which such liability is not extin-
guished or reduced, it shall be deemed to be
preserved, notwithstanding anything herein-
before contained.

Reserve capital.

54. (1.) Any company registered before
or after the passing of this Act as an un-
limited company may register under this Act
as a limited company : provided always that
the registration of an unlimited company as
a limited company under this Act shall not
affect or prejudice any debts, liabilities, obli-
gations or contracts incurred or entered into

by, to, with or on behalf of such company prior to such registration; and such debts, liabilities, contracts and obligations may be enforced in manner provided by this Act in the same manner in all respects as if no such change of registration had taken place.

(2.) An unlimited company may, by the resolution passed by its members when assenting to registration as a limited company under this Act, and for the purpose of such registration or otherwise increase the nominal amount of its capital, by increasing the nominal amount of each of its shares; provided always that no part of such increased capital shall be capable of being called up, except in the event of and for the purposes of the company being wound-up. Reserve capital of company how provided.

(3.) In cases where no such increase of nominal capital may be resolved upon, an unlimited company may, by such resolution as aforesaid, provide that a portion of its uncalled capital shall not be capable of being called up, except in the event of and for the purposes of the company being wound up.

(4.) A limited company may, by a special resolution, declare that any portion of its capital which has not been already called up shall not be capable of being called up, except in the event of and for the purposes of the company being wound-up: and thereupon such portion of capital shall not be capable of being called up, except in the event of and for the purposes of the company being wound-up.

Liability of members.

55. Subject to the provisions hereinafter contained with respect to the unlimited liability of the directors of a company in the Liability of present and past members of company.

event of a company formed under this Act being wound up every present and past member of such company shall be liable to contribute to the assets of the company to an amount sufficient for payment of the debts and liabilities of the company, and the costs, charges, and expenses of the winding-up, and for the payment of such sums as may be required for the adjustment of the rights of the contributories amongst themselves, with the qualifications following that is to say,

- (1) no past member shall be liable to contribute to the assets of the company if he has ceased to be a member for a period of one year or upwards, prior to the commencement of the winding-up :
- 2 no past member shall be liable to contribute in respect of any debt or liability of the company contracted after the time at which he ceased to be a member :
- (3) no past member shall be liable to contribute to the assets of the company unless it appears to the court that the existing members are unable to satisfy the contributions required to be made by them in pursuance of this Act :
- (4) in the case of a company limited by shares, no contribution shall be required from any member exceeding the amount, if any, unpaid on the shares in respect of which he is liable as a present or past member ;
- (5) in the case of a company limited by guarantee, no contribution shall be required from any member exceeding the amount of the undertaking en-

- tered into on his behalf by the memorandum of association ;
- (6) nothing in this Act shall invalidate any provision contained in any contract whereby the liability of individual members upon any such contract is restricted, or whereby the funds of the company are alone made liable in respect of such contract ; and
 - (7) no sum due to any member of a company, in his character of a member, by way of dividends, profits, or otherwise, shall be deemed to be a debt of the company, payable to such member in a case of competition between himself and any other creditor not being a member of the company : but any such sum may be taken into account, for the purposes of the final adjustment of the rights of the contributories amongst themselves.

Unlimited liability of directors.

56. Where a company is formed as a limited company under this Act, the liability of the directors or managers of such company or of the managing director may, if so provided by the memorandum of association be unlimited.

Company may have directors with unlimited liability.

57. The following modifications shall be made in section fifty-three with respect to the contributions to be required, in the event of the winding-up of a limited company under this Act, from any director or manager whose liability is, in pursuance of this Act, unlimited, that is to say ;—

Liability of director past and present where liability is unlimited.

- (1.) subject to the provisions hereinafter contained, any such director or manager, whether past or present,

shall, in addition to his liability, if any, to contribute as an ordinary member, be liable to contribute as if he were, at the date of the commencement of such winding-up, a member of an unlimited company ;

- (2) no contribution required from any past director or manager who has ceased to hold such office for a period of one year or upwards prior to the commencement of the winding up shall exceed the amount, if any, which he is liable to contribute as an ordinary member of the company ;
- (3) no contribution required from any past director or manager in respect of any debt or liability of the company contracted after the time at which he ceased to hold such office shall exceed the amount, if any, which he is liable to contribute as an ordinary member of the company : and
- (4) subject to the provisions contained in the regulations of the company, no contribution required from any director or manager shall exceed the amount, if any, which he is liable to contribute as an ordinary member, unless the court deems it necessary to require such contribution in order to satisfy the debts and liabilities of the company, and the costs, charges, and expenses of the winding up.

Director with un- 58. In the event of the winding up of any limited liability limited company, the court may, if it thinks fit, make to any director or manager of such company whose liability is unlimited, the same allowance by way of set-off as may have set off as under section 133.

under section one hundred and thirty three it may make to a contributory where the company is not limited.

59. (1). In any limited company in which the liability of a director or manager is unlimited, the directors or managers of the company, if any, and the member who proposes any person for election or appointment to such office, shall add to such proposal a statement that the liability of the person holding such office, will be unlimited; and the promoters, directors, managers, and secretary, if any, of the company, or one of them, shall, before such person accepts such office or acts therein, give him notice in writing that his liability will be unlimited.

Notice to be given to director on his election that his liability will be unlimited.

(2). If any director, manager, or proposer makes default in adding such statement, or if any promoter, director, manager, or secretary makes default in giving such notice, he shall be liable to a penalty not exceeding one hundred pounds, and shall also be liable for any damage which the person so elected or appointed may sustain from such default, but the liability of the person elected or appointed shall not be affected by such default.

60. (1). Any limited company may, by a special resolution, if authorised to do so by its regulations, either as originally framed or as altered by special resolution, from time to time modify the conditions contained in its memorandum of association so far as to render unlimited the liability of its directors or managers or of the managing director.

Existing limited company may by special resolution make liability of directors unlimited.

(2). Such special resolution shall be of the same validity as if it had been originally contained in the memorandum of association and a copy thereof shall be embodied in or annexed to every copy of the memorandum

of association which is issued after the passing of the resolution ; and any default in this respect shall be deemed to be a default in complying with the provisions of section ninety one, and shall be punished accordingly .

Sub-division of shares.

Shares may be divided into shares of smaller amount.

61. Any company limited by shares may, by special resolution, so far modify the conditions contained in its memorandum of association, if authorized so to do by its regulations as originally framed, or as altered by special resolution, as by sub-division of its existing shares or any of them to divide its capital or any part thereof into shares of smaller amount than is fixed by its memorandum of association : provided that, in the sub-division of the existing shares, the proportion between the amount which is paid and the amount, if any, which is unpaid on each share of reduced amount, shall be the same as it was in the case of the existing share or shares from which the share of reduced amount is derived.

Special resolution to be embodied in memorandum of association.

62. (1) The statement of the number and amount of the shares into which the capital of the company is divided, contained in every copy of the memorandum of association issued after the passing of any such special resolution, shall be in accordance with such resolution.

(2) If any company makes default in complying with the provisions of this section it shall incur a penalty not exceeding one pound for each copy in respect of which such default is made ; and every director or manager of the company who knowingly or wilfully authorises or permits such default shall incur the like penalty.

63. (1.) Where after the passing of this Act a prospectus or notice invites persons to subscribe for shares in or debentures or debenture stock of a company, every person who is a director of the company at the time of the issue of the prospectus or notice, and every person who having authorised such naming of him is named in the prospectus or notice as a director of the company or as having agreed to become a director of the company either immediately or after an interval of time, and every promoter of the company and every person who has authorised the issue of the prospectus or notice, shall be liable to pay compensation to all persons who shall subscribe for any shares, debentures, or debenture stock on the faith of such prospectus or notice for the loss or damage they may have sustained by reason of any untrue statement in the prospectus or notice, or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved

Liability for statements in prospectus.

- (a) with respect to every such untrue statement not purporting to be made on the authority of an expert, or of a public official document or statement, that he had reasonable ground to believe, and did up to the time of the allotment of the shares, debentures, or debenture stock, as the case may be, believe, that the statement was true ; and
- (b) with respect to every such untrue statement purporting to be a statement by or contained in what purports to be a copy of or extract from a report or valuation of an engineer, valuer,

accountant or other expert, that it fairly represented the statement made by such engineer, valuer, accountant, or other expert, or was a correct and fair copy of or extract from the report or valuation. Provided always that notwithstanding that such untrue statement fairly represented the statement made by such engineer, valuer, accountant, or other expert or was a correct and fair copy of an extract from the report or valuation, such director, person named, promoter or other person who authorized the issue of the prospectus or notice as aforesaid, shall be liable to pay compensation as aforesaid if it be proved that he had no reasonable ground to believe that the person making the statement, report, or valuation was competent to make it ; and

- (c.) with respect to every such untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, that it was a correct and fair representation of such statement or copy of or extract from such document.

or unless it is proved that having consented to become a director of the company he withdrew his consent before the issue of the prospectus or notice, and that the prospectus or notice was issued without his authority or consent, or that the prospectus or notice was issued without his knowledge or consent, and that on becoming aware of

its issue he forthwith gave reasonable public notice that it was so issued without his knowledge or consent, or that after the issue of such prospectus or notice and before allotment thereunder, he, on becoming aware of any untrue statement therein, withdrew his consent thereto, and caused reasonable public notice of such withdrawal, and of the reason therefor, to be given.

(2.) A promoter in this section means a promoter who was a party to the preparation of the prospectus or notice, or of the portion thereof containing such untrue statement but shall not include any person by reason of his acting in a professional capacity for persons engaged in procuring the formation of the company.

(3.) Where any company existing at the passing of this Act, which has issued shares or debentures, shall be desirous of obtaining further capital by subscriptions for shares or debentures, and for that purpose shall issue a prospectus or notice, no director of such company shall be liable in respect of any statement therein, unless he shall have authorized the issue of such prospectus or notice, or have adopted or ratified the same.

(4.) In this section the word "expert" includes any person whose profession gives authority to a statement made by him.

64. Where any such prospectus or notice as aforesaid contains the name of a person as a director of the company, or as having agreed to become a director thereof, and such person has not consented to become a director, or has withdrawn his consent before the issue of such prospectus or notice, and has not authorised or consented to the issue thereof, the directors of the company

Indemnity where name of person has been improperly inserted as a director.

except any without whose knowledge or consent the prospectus or notice was issued, and any other person who authorised the issue of such prospectus or notice shall be liable to indemnify the person named as a director of the company, or as having agreed to become a director thereof as aforesaid against all damages, costs, charges and expenses to which he may be made liable by reason of his name having been inserted in the prospectus or notice, or in defending himself against any action or legal proceedings brought against him in respect thereof.

Contribution from
co-directors &c.

65. Every person who by reason of his being a director or as having agreed to become a director, or of his having authorised the issue of the prospectus or notice has become liable to make any payment under the provisions of this Act, shall be entitled to recover contribution, as in cases of contract, from any other person who, if sued separately, would have been liable to make the same payment,

Calls upon shares.

Company may have
some shares fully
paid and others not.

66. Nothing in this Act shall be deemed to prevent any company under this Act, if authorised by its regulations as originally framed or as altered by special resolution, from doing any one or more of the following things; namely;

- (1) making arrangements on the issue of shares for a difference between the holders of such shares in the amount of calls to be paid and in the time of payment of such calls;
- (2.) accepting from any member of the company whose assents thereto the whole or a part of the amount re-

maining unpaid on any share or shares held by him, either in discharge of the amount of a call payable in respect of any other share or shares held by him or without any call having been made; or

- (3.) paying dividend in proportion to the amount paid upon each share in cases where a larger amount is paid up on some shares than on others.

67. Every share in any company shall be deemed and taken to have been issued and to be held subject to the payment of the whole amount thereof in cash, unless the same shall have been otherwise determined by a contract duly made in writing, and filed with the Registrar at or before the issue of such share.

Manner in which shares are to be issued and held.

Transfer of shares.

68. A company shall, on the application of the transferor of any share or interest in the company, enter in its register of members the name of the transferee of such share or interest, in the same manner and subject to the same condition as if the application for such entry were made by the transferee.

Transfer may be registered at request of transferor.

Share warrants.

69. In the case of a company limited by shares, the company, if authorised so to do by its regulations as originally framed or as altered by special resolution, and subject to the provisions of such regulations, may with respect to any share which is fully paid up or with respect to stock, issue under their common seal a warrant stating that the bearer of the warrant is entitled to the share or shares, or stock therein specified, and may provide, by coupons or otherwise, for

Warrant of limited shares fully paid up may be issued in name of bearer.

the payment of the future dividends on the share or shares or stock included in such warrant, hereinafter referred to as a share warrant.

Effect of share warrant.

70. A share warrant shall entitle the bearer of such warrant to the shares or stock specified in it, and such shares or stock may be transferred by the delivery of the share warrant.

Registration of bearer of a share warrant in the reg-

71. The bearer of a share warrant shall, subject to the regulations of the company, be entitled, on surrendering such warrant for cancellation, to have his name entered as a member in the register of members; and the company shall be responsible for any loss incurred by any person by reason of the company entering in its register of members the name of any bearer of a share warrant in respect of the shares or stock specified therein, without the share warrant being surrendered and cancelled.

Regulations of the company may make the bearer of a share warrant a member.

72. The bearer of a share warrant may, if the regulations of the company so provide, be deemed to be a member of the company within the meaning of this Act, either to the full extent or for such purposes as may be prescribed by the regulations; provided that the bearer of a share warrant shall not be qualified, in respect of the shares or stock specified in such warrant, for being a director or manager of the company in cases where such a qualification is prescribed by the regulations of the company.

Entries in register when share warrant issued.

73. (1.) On the issue of a share warrant in respect of any share or stock, the company shall strike out of its register of members, the name of the member then entered therein as holding such share or stock as if he had ceased to be a member, and shall en-

ter in the register the following particulars ;

- (a) the fact of the issue of the warrant ;
- (b.) a statement of the shares or stock included in the warrant, distinguishing each share by its number ; and
- (c) the date of the issue of the warrant.

(2) Until the warrant is surrendered, the above particulars shall be deemed to be the particulars which are required by section twenty one to be entered in the register of members of a company ; and, on the surrender of a warrant, the date of such surrender shall be entered as if it were the date at which a person ceased to be a member.

Contracts.

74. (1.) Contracts on behalf of any company under this Act may be made as follows ; Contracts on behalf of company.
that is to say,

- (a.) any contract which, if made between private persons would be by law required to be in writing, and, if made according to the law of this Island, to be under seal, may be made on behalf of the company in writing under the common seal of the Company, and such contract may in the same manner be varied or discharged ;
- (b.) any contract which, if made between private persons, would be by law required to be in writing and signed by the parties to be charged therewith, may be made on behalf of the company in writing signed by any person acting under the express or implied authority of the company, and such contract may in the same manner be varied or discharged ; and
- (c.) any contract which, if made between

private persons, would by law be valid, although made by parol only and not reduced into writing, may be made by parol on behalf of the company by any person acting under the express or implied authority of the company, and such contract may in the same manner be varied or discharged.

(2.) All contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the company and their successors and all other parties thereto, their heirs, executors or administrators as the case may be.

Prospectus &c. to
specify contracts
made by company
&c.

75. Every prospectus of a company and every notice inviting persons to subscribe for shares in any joint stock company shall respectively specify the dates of and the names of the parties to any contract entered into by the company or the promoters, directors, or trustees thereof, before the issue of such prospectus or notice, whether subject to adoption by the directors or the company or otherwise ; and any prospectus or notice not specifying the same shall be deemed fraudulent on the part of the promoters, directors, and officers of the company knowingly issuing the same, as regards any person taking shares in the company on the faith of such prospectus, unless he shall have had notice of such contract.

PART III.

MANAGEMENT AND ADMINISTRATION.

Provisions for protection of creditors.

Registered office
of company.

76. (1.) Every company under this Act shall have a registered office to which all

communications and notices may be addressed.

(2.) If any company under this Act carries on business without having such an office, it shall incur a penalty not exceeding five pounds for every day during which business is so carried on.

77. Notice of the situation of such registered office, and of any change therein, shall be given to the Registrar and recorded by him; and until such notice is given, the company shall not be deemed to have complied with the provisions of this Act with respect to having a registered office.

78. Every limited company under this Act, whether limited by shares or by guarantee shall paint or affix and keep painted or affixed its name on the outside of every office or place in which the business of the company is carried on, in a conspicuous position in letters easily legible, and shall have its name engraved in legible characters on its seal, and shall have its name mentioned in legible characters in all notices, advertisements and other official publications of such company, and in all bills of exchange, promissory notes, indorsements, cheques, and orders for money or goods purporting to be signed by or on behalf of the company and in all bills of parcels, invoices, receipts, and letters of credit of the company.

79. (1.) If any limited company under this Act does not paint or affix and keep painted or affixed its name in manner directed by this Act it shall be liable to a penalty not exceeding five pounds for not so painting or affixing its name, and for every day during which such name is not so kept painted or affixed: and every director

Notice of situation of registered office.

Publication of name by a limited company.

Penalties on non-publication of name.

and manager of the company who knowingly and wilfully authorises or permits such default shall be liable to the like penalty.

(2.) If any director, manager, or officer of such company or any person, on its behalf uses or authorises the use of any seal purporting to be the seal of the company whereon its name is not so engraved as aforesaid, or issues or authorises the issue of any notice, advertisement, or other official publication of such company, or signs or authorises to be signed on behalf of such company any bill of exchange, promissory note, indorsement, cheque or order, for money or goods, or issues or authorises to be issued any bill of parcels, invoice, receipt or letter of credit of the company, wherein its name is not mentioned in manner aforesaid, he shall be liable to a penalty not exceeding fifty pounds, and shall further be personally liable to the holder of any such bill of exchange, promissory note, cheque or order for money or goods, for the amount thereof, unless the same is duly paid by the company.

Register of mortgages.

80. (1.) Every limited company under this Act shall keep a register of all mortgages and charges specifically affecting property of the company, and shall enter in such register, in respect of each mortgage or charge, a short description of the property mortgaged or charged, the amount of charge created, and the names of the mortgagees or persons entitled to such charge.

(2.) If any property of the company is mortgaged or charged without such entry as aforesaid being made, every director, manager, or other officer of the company who knowingly and wilfully authorises or permits the omission of such entry shall

incur a penalty not exceeding fifty pounds.

(3.) The register of mortgages required by this section shall be open to inspection by any creditor or member of the company at all reasonable times; and, if such inspection is refused, any officer of the company refusing the same, and every director or manager of the company authorising or wilfully and knowingly permitting such refusal shall incur a penalty not exceeding five pounds, and a further penalty not exceeding two pounds for every day during which such refusal continues; and in addition to the above penalty, the judge, in chambers may by order, compel an immediate inspection of the register.

81. (1.) Every deposit, provident or friendly benefit society under this Act shall before it commences business and also on the first Monday in February and the first Monday in August in every year during which it carries on business, make a statement in the form marked D, in the first schedule to this Act, or as near thereto as circumstances will admit, and a copy of such statement shall be put up in a conspicuous place in the registered office of the company and in every branch office or place where the business of the company is carried on.

Certain companies to publish statement entered in schedule.

(2.) If default is made in compliance with the provisions of this section, the company shall be liable to a penalty not exceeding five pounds for every day during which such default continues; and every director or manager of the company who knowingly and wilfully authorises or permits such default shall incur the like penalty.

(3.) Every member and every creditor of any company mentioned in this section shall

be entitled to a copy of the above mentioned statement, on payment of a sum not exceeding sixpence.

List of directors
to be sent to registrar.

82 (1.) Every company under this Act not having a capital divided into shares shall keep at its registered office a register containing the names and addresses and the occupations of its directors, or managers, and shall send to the Registrar a copy of such register, and shall from time to time notify to the Registrar any change that takes place in such directors or managers.

Penalty on company not keeping
register of directors.

(2.) If any company as aforesaid makes default in keeping a register of its directors or managers, or in sending a copy of such register to the Registrar in compliance with the provisions of this section, or in notifying to the Registrar any change that takes place in such directors or managers, it shall incur a penalty not exceeding five pounds for every day during which such default continues; and every director or manager of the company who knowingly and willfully authorises or permits such default shall incur the like penalty.

Bills of exchange
and promissory
notes.

83. A bill of exchange or promissory note shall be deemed to have been made, accepted, or indorsed on behalf of any company under this Act, if made, accepted, or indorsed, in the name of the company, by any person acting under the authority of the company, or if made, accepted or indorsed, by or on behalf or on account of the company, by any person acting under the authority of the company.

Prohibition against
carrying on business
with less than
seven members.

84. If any company under this Act carries on business when the number of its members is less than five for a period of six months after the number has been so

reduced, every person who is a member of such company during the time that it so carries on business after such period of six months, and is cognisant of the fact that it is so carrying on business with fewer than five members, shall be severally liable for the payment of the whole debts of the company contracted during such time and may be sued for the same without the joinder in the action or suit of any other member.

Provisions for protection of members.

85. (1) Every company formed under this Act shall hold a general meeting with-
in four months after its memorandum of association is registered.
Company to hold meetings within four months after registration.

(2) If such meeting is not held, the company shall be liable to a penalty not exceeding five pounds a day for every day after the expiration of such four months until the meeting is held; and every director or manager of the company and every subscriber of the memorandum of association who knowingly authorises or permits such default shall be liable to the like penalty.

86. A general meeting of every company under this Act shall be held once at the least in every year.
General meeting of company.

87. (1) Subject to the provisions of this Act, and to the conditions contained in the memorandum of association, any company formed under this Act may, in general meeting, from time to time, by passing a special resolution in manner hereinafter mentioned, alter all or any of the regulations of the company contained in the articles of association, or in the Table marked A in the first sche-
Power to alter regulations by special resolution.

dule to this Act, where such Table is applicable to the company, or make new regulations to the exclusion of or in addition to all or any of the regulations of the company.

(2) Any regulations so made by special resolution shall be deemed to be regulations of the company of the same validity as if they had been originally contained in the articles of association, and shall be subject in like manner to be altered or modified by any subsequent special resolution.

**Definition of
special resolution.**

88. (1) A resolution passed by a company under this Act shall be deemed to be special whenever a resolution has been passed by a majority of not less than three fourths of such members of the company for the time being entitled according to the regulations of the company, to vote, as may be present, in person or by proxy (in cases whereby the regulations of the company, proxies are allowed), at any general meeting of which notice specifying the intention to propose such resolution has been duly given, and such resolution has been confirmed by a majority of such members, for the time being entitled according to the regulations of the company, to vote, as may be present, in person or by proxy, at a subsequent general meeting, of which notice has been duly given, held at an interval of not less than fourteen days nor more than one month from the date of the meeting at which such resolution was first passed.

(2) At any meeting mentioned in this section, unless a poll is demanded by at least two members, a declaration of the chairman that the resolution has been carried, shall be deemed conclusive evidence of the fact,

without proof of the number or proportion of the votes recorded in favour of or against the same.

(3) Notice of any meeting shall, for the purposes of this section, be deemed to be duly given, and the meeting to be duly held, whenever such notice is given and meeting held in manner prescribed by the regulations of the company.

(4) In computing the majority under this section when a poll is demanded, reference shall be had to the number of votes to which each member is entitled by the regulations of the company.

89. In default of any regulations as to voting, every member shall have one vote ; and, in default of any regulations as to summoning general meetings, a meeting shall be held to be duly summoned of which seven days notice in writing has been served on every member in the manner in which notices are required to be served by the Table marked A in the first schedule to this Act ; and, in default of any regulations as to the persons to summon meetings, two members shall be competent to summon the same ; and in default of any regulations as to who is to be chairman of such meeting, it shall be competent for any person elected by the members present to preside. Provision where no regulations as to meetings.

90. (1) A copy of any special resolution that is passed by any company under this Act shall be printed and forwarded to the Registrar and be recorded by him. Registry of special resolutions.

(2) If such copy is not so forwarded within fifteen days from the date of the confirmation of the resolution, the company shall incur a penalty not exceeding two pounds for every day after the expiration of such

fifteen days during which such copy is omitted to be forwarded ; and every director and manager of the company who knowingly and wilfully authorises or permits such default shall incur the like penalty.

Copies of special resolutions.

91. (1) Where articles of association have been registered, a copy of every special resolution for the time being in force shall be embodied in or annexed to every copy of the articles of association that may be issued after the passing of such resolution.

(2) Where no articles of association have been registered, a copy of any special resolution shall be forwarded to any member requesting the same, on payment of one shilling or such less sum as the company may direct.

(3) If any company makes default in complying with the provisions of this section, it shall incur a penalty not exceeding one pound for each copy in respect of which such default is made ; and every director and manager of the company who knowingly and wilfully authorises or permits such default shall incur the like penalty.

Execution of deeds abroad.

92. (1) Any company under this Act may, by instrument in writing under its common seal, empower any person, either generally or in respect of any specified matters, as its attorney, to execute deeds on its behalf in any place not situate in this island.

(2) Every deed signed by such attorney on behalf of the company, and under his seal, shall be binding on the company, and shall have the same effect as if it were under the common seal of the company.

Examination of affairs of company by inspectors

93. The Governor-in-Executive Committee may appoint one or more competent inspectors to examine into the affairs of any

company under this Act, and to report thereon, in such manner as the Governor-in-Executive Committee may direct, upon any application as follows; that is to say,—

- (1) in the case of a banking company that has a capital divided into shares, upon the application of members holding not less than one-third part of the whole shares of the company for the time being issued;
- (2) in the case of any other company that has a capital divided into shares upon the application of members holding not less than one-fifth part of the whole shares of the company for the time being issued; and
- (3) in the case of any company not having a capital divided into shares, upon the application of members being in number not less than one-fifth of the whole number of persons for the time being entered on the register of the company as members.

94 (1) The application shall be supported by such evidence as the Governor-in-Executive Committee may require for the purpose of showing that the applicants have good reason for requiring such investigation to be made, and that they are not actuated by malicious motives in instituting the same.

Application for inspection to be supported by evidence.

(2) The Governor-in-Executive Committee may also require the applicants to give security for payment of the costs of the inquiry, before appointing any inspector or inspectors.

95. (1) It shall be the duty of all officers and agents of the company to produce for the examination of the inspectors, all books and documents in their custody or power

Inspection of books.

and any inspector may examine upon oath the officers and agents of the company in relation to its business, and may administer such oath accordingly.

(2) If any officer or agent refuses to produce any book or document hereby directed to be produced, or to answer any question relating to the affairs of the company he shall incur a penalty not exceeding five pounds in respect of each such offence.

Result of examination how dealt with.

96. (1) Upon the conclusion of the examination, the inspectors shall report their opinion to the Governor, and such report shall be written or printed as the Governor-in-Executive Committee may direct.

(2) A copy of the report shall be forwarded by the Inspectors to the registered office of the company, and a further copy shall, at the request of the members upon whose application the inspection was made, be delivered to them or to any one or more of them.

(3) All expenses of and incidental to any such examination as aforesaid shall be defrayed by the members upon whose application the inspectors were appointed, unless the Governor-in-Executive Committee shall direct the same to be paid out of the assets of the company, which he is hereby authorised to do.

Power of company to appoint inspectors.

97. (1) Any company under this Act may, by special resolution, appoint inspectors for the purpose of examining into the affairs of the company.

(2) The inspectors so appointed shall have the same powers and perform the same duties as inspectors appointed by the Governor-in-Executive Committee, with this exception, that, instead of making

their report to the Governor they shall make the same in such manner and to such persons as the company in general meeting may direct.

(3) The officers and agents of the company shall incur the same penalties in case of any refusal to produce any book or document hereby required to be produced to such inspectors, or to answer any question, as they would have incurred if such inspectors had been appointed by the Governor-in-Executive Committee.

98. A copy of the report of any inspectors appointed under this Act, authenticated by the seal of the company into whose affairs they have made inspection, shall be admissible in any legal proceeding as evidence of the opinion of the inspectors in relation to any matter contained in such report. Report of inspectors to be evidence.

Notices.

99. Any summons, notice, order, or other document required to be served upon the company may be served by leaving the same, or sending it through the post in a prepaid letter addressed to the company, at their registered office. Service of notices on company.

100. Any document to be served by post on the company shall be posted in such time as to admit of its being delivered in the due course of delivery, within the period, if any, prescribed for the service thereof; and, in proving service of such document, it shall be sufficient to prove that such document was properly directed and that it was put as a prepaid letter into the post office. Rules as to notices by letter.

101. Any summons, notice, order, or pro- Authentication of

notices of company. ceeding requiring authentication by the company may be signed by any director, secretary, or other authorised officer of the company, and need not be under the common seal of the company, and the same may be in writing or in print, or partly in writing and partly in print.

Legal Proceedings.

Recovery of penalties.

102. All offences or acts under this Act made punishable by any penalty may be prosecuted summarily by any person before any police magistrate.

Application of penalties.

103. The magistrate imposing any penalty under this Act may direct the whole or any part thereof to be applied in or towards the payment of the costs of the proceedings, or in or towards the rewarding the person upon whose information or at whose suit such penalty has been recovered; and subject to such direction, all such penalties shall be paid into the treasury for the public use.

Evidence of proceedings at meetings.

104. (1) Every company under this Act shall cause minutes of all resolutions and proceedings of general meetings of the company, and of the directors or managers of the company, in cases where there are directors or managers, to be duly entered in books to be provided for the purpose.

(2) Any such minute as aforesaid, shall, if purporting to be signed by the chairman of the meeting at which such resolutions were passed or proceedings had, or by the chairman of the next succeeding meeting, be received as evidence in all legal proceedings; and, until the contrary is proved, every general meeting of the company or meeting of directors or managers, in

respect of the proceedings of which minutes have been so made, shall be deemed to have been duly held and convened, and all resolutions passed thereat or proceedings had to have been duly passed and had; and all appointments of directors, managers, or liquidators shall be deemed to be valid, and all acts done by such directors, managers, or liquidators shall be valid, notwithstanding any defect that may afterwards be discovered in their appointments or qualifications.

105. Where a limited company is plaintiff in any action or other legal proceeding, the judge in chambers may, if it appears by any credible testimony that there is reason to believe that, if the defendant is successful in his defence, the assets of the company will be insufficient to pay his costs, require sufficient security to be given for such costs, and may stay all proceedings until such security is given.

Provision as to costs in actions brought by certain limited companies.

106. In any action or suit brought by a company against any member to recover any call or other moneys due from such member in his character of member, it shall not be necessary to set forth the special matter, but it shall be sufficient to allege that the defendant is a member of the company, and is indebted to the company in respect of a call made or other moneys due, whereby an action or suit has accrued to the company

Declaration in action against members.

Arbitration.

107. Any company under this Act may from time to time, by writing under its common seal, agree to refer and may refer to arbitration any difference, question, or other matter whatsoever in dispute between

Power of companies to refer to arbitration.

itself and any other company or person, and the companies, parties to the arbitration, may delegate to the person or persons to whom the reference is made, power to settle any terms, or to determine any matter capable of being lawfully settled or determined by the companies themselves or by the directors or other managing body of such companies.

Arbitration how
to be conducted.

108. All arbitrations authorised or directed by this Act shall, so far as practicable, be conducted in the usual manner, or in accordance with any direction of the judge in chambers.

PART IV.

WINDING-UP

Preliminary.

Meaning of "conditions."

109. The term "contributory" as hereinafter used, means every person liable to contribute to the assets of a company under this Act, in the event of the same being wound up; it shall also, in all proceedings for determining the persons who are to be deemed contributories and in all proceedings prior to the final determination of such persons, include any person alleged to be a contributory.

Powers of the
Judge in chambers.

110. The judge may do in chambers any act which the court is by this part of this Act authorised to do.

Nature of liability
of contributory.

111. The liability of any person to contribute to the assets of a company under this Act, in the event of the same being wound up, shall be deemed to create a debt of the nature of a specialty accruing due from such person at the time when his liability commenced, but payable

at the time or respective times when calls are made, as hereinafter mentioned, for enforcing such liability; and it shall be lawful, in the case of the bankruptcy of any contributory, to prove against his estate the estimated value of his liability to future calls, as well as calls already made.

112. If any contributory dies either before or after he has been placed on the list of contributories hereinafter mentioned, his personal representatives, heirs, and devisees shall be liable in a due course of administration to contribute to the assets of the company in discharge of the liability of such deceased contributory, and such personal representatives, heirs, and devisees shall be deemed to be contributories accordingly. Contributories in case of death.

113. If any contributory becomes bankrupt before or after he has been placed on the list of contributories, the Official Assignee shall be deemed to represent such bankrupt for all the purposes of the winding up and shall be deemed to be a contributory accordingly, and may be called upon to admit to proof against the estate of such bankrupt, or otherwise to allow to be paid out of his assets in due course of law, any moneys due from such bankrupt in respect of his liability to contribute to the assets of the company being wound up. Contributories in case of bankruptcy.

114. If any female contributory married either before or after she has been placed on the list of contributories, the liability of her husband, during the continuance of the marriage, to contribute to the assets of the company shall be regulated by "The Married Woman's Act, 1891." Contributories in case of marriage.

Winding up by the Court.

115. A company under this Act may be Circumstances

under which company may be wound up by the court under the following circumstances ; that is to say, wound up by the court.

(1.) whenever the company has passed a special resolution requiring the company to be wound up by the court ; or

(2.) whenever the company does not commence its business within a year from its incorporation, or suspends its business for the space of a whole year ; or

(3.) whenever the members are reduced in number to less than five ; or

(4.) whenever the company is unable to pay its debts ; or

(5.) whenever the court is of opinion that it is just and equitable that the company should be wound up.

Company when deemed unable to pay its debts. 116. A company under this Act shall be deemed to be unable to pay its debts.

(1.) Whenever a creditor by assignment or otherwise to whom the company is indebted, at law or in equity, in a sum exceeding fifty pounds, then due, has served on the company by leaving the same at the registered office of the company, or by delivering to the secretary or some director or principal officer of the company, or by otherwise serving the same in such manner as the court may approve or direct, a demand under his hand requiring the company to pay the sum so due, and the company has for the space of three weeks succeeding the service of such demand, neglected to pay such sum or to secure or compound for the same to the reasonable satisfaction of the creditor ; or

(2.) Whenever execution or other pro-

cess issued on a judgment, decree or order obtained in any court in favour of any creditor, in any proceeding instituted by such creditor against the company, is returned unsatisfied in whole or in part; or

- (3.) Whenever it is proved to the satisfaction of the court, that the company is unable to pay its debts.

117. (1.) Any application to the court for the winding up of a company under this Act shall be by petition, Application for winding up to be made by petition.

(2.) Such petition may be presented by the company, or by one or more creditor or creditors or contributory or contributories of the company, or by all or any of the above parties together or separately.

(3.) Every order which may be made on any such petition shall operate in favour of all the creditors and all the contributories of the company in the same manner as if it had been made upon the joint petition of a creditor and a contributory;

provided that no contributory of a company under this Act shall be capable of presenting a petition for winding up such company unless the members of the company are reduced in number to less than five, or unless the shares in respect of which he is a contributory or some of them either were originally allotted to him or have been held by him and registered in his name for a period of at least six months during the eighteen months previously to the commencement of the winding up, or have devolved upon him through the death of a former holder; provided also that where a share has during the whole or any part of the six months been held by or registered in the name of the wife of a contributory either before or

after her marriage, or by or in the name of any trustee or trustees for such wife or for the contributory, such share shall, for the purposes of this section, be deemed to have been held by, and registered in the name of the contributory.

Commencement of winding up by court.

118. The winding up of a company by the court shall be deemed to commence at the time of the presentation of the petition for the winding up.

Court may grant injunction.

119. (1.) The court may, at any time after the presentation of a petition for winding up a company under this Act and before making an order for winding up the company, upon the application of the company or of any creditor or contributory of the company, restrain further proceedings in any action, suit, or other proceeding against the company, upon such terms as the court thinks fit.

(2.) The court may also, at any time after the presentation of such petition and before the first appointment of liquidators, appoint provisionally an official liquidator of the estate and effects of the company.

Hearing petition.

120. Upon hearing the petition, the court may dismiss the same, with or without costs, may adjourn the hearing conditionally or unconditionally, and may make any interim order, or any other order that it deems just.

Actions and suits to be stayed.

121. When an order has been made for winding up a company under this Act, no action suit or other proceeding shall be proceeded with or commenced against the company, except with the leave of the court, and subject to such terms as the court may impose.

Copy of order to be forwarded to registrar.

122. When an order has been made for winding up a company under this Act, a copy of such order shall forthwith be for-

warded by the company to the Registrar, who shall make a minute thereof in his books relating to the company.

123. The court may, at any time after an order has been made for winding up a company, upon the application by motion of any creditor or contributory of the company and upon proof, to the satisfaction of the court, that all proceedings in relation to such winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as it deems fit.

Power of court to stay proceedings.

124. When an order has been made for winding up a company limited by guarantee and having a capital divided into shares, any share capital that may not have been called up shall be deemed to be assets of the company, and to be a debt of the nature of a specialty due to the company from each member, to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the court.

Effect of order on share capital of company limited by guarantee.

125. (1.) The court may, as to all matters relating to the winding up, have regard to the wishes of the creditors or contributories, as proved to it by any sufficient evidence, and may, if it thinks it expedient, direct meetings of the creditors or contributories to be summoned, held, and conducted in such manner as the court directs, for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the court.

Court may have regard to wishes of creditors or contributories.

(2.) In the case of creditors, regard is to be had to the value of the debts due to each creditor; and in the case of contributories,

to the number of votes conferred on each contributory by the regulations of the company.

Official Liquidator.

Appointment of official liquidator.

126. For the purpose of conducting the proceedings in winding up a company, and assisting the court therein, the official assignee shall act as official liquidator.

Compensation.

127. There shall be paid to the official liquidator such remuneration, either by way of percentage or otherwise, as the court may direct.

Style and duties of official liquidator.

128. (1.) The official liquidator shall be described by the style of the official liquidator of the particular company being wound up and not by his individual name.

(2.) He shall take into his custody and under his control all the property, effects, and things in action to which the company is or appears to be entitled, and shall perform such duties in reference to the winding up of the company as may be imposed by the court.

Powers of official liquidator.

129. The official liquidator shall have power, to do the following things: that is to say,

(1.) to bring or defend any action suit or prosecution or other legal proceeding, civil or criminal, in the name and on the behalf of the company;

(2.) to carry on the business of the company, so far as may be necessary for the beneficial winding up of the same;

(3.) to sell the real and personal property, effects, and things in action of the company by public auction or private contract with power to transfer the whole thereof to any person or company, or to sell the same, in parcels;

(4.) to do all acts and to execute, in the name and on behalf of the company, all deeds, receipts, and other documents, and for that purpose to use, when necessary, the company's seal;

(5.) to prove, rank, claim and draw a dividend, in the matter of the bankruptcy of any contributory, for any balance against the estate of such contributory, and to take and receive dividends in respect of such balance in the matter of bankruptcy as a separate debt due from such bankrupt, and ratably with the other separate creditors;

(6.) to draw, accept, make and indorse any bill of exchange or promissory note in the name and on behalf of the company; also to raise upon the security of the assets of the company from time to time any requisite sum or sums of money; and the drawing, accepting, making, or indorsing of every such bill of exchange, or promissory note as aforesaid on behalf of the company shall have the same effect with respect to the liability of such company as if such bill or note had been drawn, accepted, made, or indorsed by or on behalf of such company in the course of carrying on the business thereof;

(7.) to do in his official name any act that may be necessary for obtaining payment of any moneys due from a contributory or from his estate, and which act cannot be conveniently done in the name of the company; and in all cases where he uses his official name for obtaining payment of any moneys due from a contributory, such moneys shall, for the purpose of enabling him to recover the same be deemed to be due to the official liquidator himself; and

(8.) to do and execute all such other things as may be necessary for winding up the affairs of the company and distributing its assets.

Ordinary powers of the court.

Collection and application of assets.

130. As soon as may be after making an order for winding up a company, the court shall settle a list of contributories, with power to rectify the register of members in all cases where such rectification is required in pursuance of this Act, and shall cause the assets of the company to be collected and applied in discharge of its liabilities.

Provision as to representative contributories.

131. (1) In settling the list of contributories, the court shall distinguish between persons who are contributories in their own right and persons who are contributories as being representatives of or being liable to the debts of others.

(2.) It shall not be necessary, where the personal representative of any deceased contributory is placed on the list to add the heirs or devisees of such contributory, but nevertheless such heirs or devisees may be added as and when the court thinks fit.

Power of court to require delivery of property.

132. The court may, at any time after making an order for winding up a company require any contributory for the time being settled on the list of contributories, or any trustee, receiver, banker, or agent or officer of the company, to pay, deliver, convey, surrender or transfer forthwith or within such time as the court directs, to or into the hands of the official liquidator any sum or balance, books, papers, estate, or effects which may happen to be in his hands for the time being, and to which the company is *prima facie* entitled.

133. The court may, at any time, after making an order for winding up a company make an order on any contributory for the time being settled on the list of contributories, directing payment to be made, in manner in the said order mentioned, of any moneys due from him or from the estate of the person whom he represents to the company, exclusive of any moneys which he or the estate of the person whom he represents may be liable to contribute by virtue of any call made or to be made by the court in pursuance of this part of this Act; and it may, in making such order, when the company is not limited, allow to such contributory by way of set-off any moneys due to him or the estate which he represents from the company on any independent dealing or contract with the company, but not any moneys due to him as a member of the company in respect of any dividend or profit; provided that when all the creditors of any company, whether limited or unlimited, are paid in full any moneys due on any account whatever to any contributory from the company may be allowed by him by way of set-off against any subsequent call or calls.

134. The court may, at any time after making an order for winding up a company and either before or after it has ascertained the sufficiency of the assets of the company, make calls on, and order payment thereof to the extent of their liability by all or any of the contributories for the time being settled on the list of contributories, for payment of all or any sums it deems necessary to satisfy the debts and liabilities of the company, and the costs, charges, and expenses of winding it up, and for the adjustment

Power of court to
order payment of
debts by contribu-
tory.

Power of court to
make calls.

of the rights of the contributories amongst themselves; and it may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same.

Power of court to order payment into bank.

135. The court may order any contributory, purchaser, or other person from whom money due to the company, to pay the same into a bank or to some responsible person or persons to be named by the court to the account of the official liquidator instead of to the official liquidator and such order may be enforced in the same manner as if it had directed payment to the official liquidator.

Regulation of account with court.

136. All moneys, bills, notes, and other securities paid and delivered into such bank or to such person or persons, in the event of a company being wound up by the court shall be subject to such order and regulation for the keeping of the account of such moneys and other effects, and for the payment and delivery in, or investment and payment and delivery out of the same as the court may direct.

Provision in case of representative contributory not paying monies ordered.

137. If any person made a contributory as personal representative of a deceased contributory makes default in paying any sum ordered to be paid by him, proceedings may be taken for administering the personal and real estates of such deceased contributory or either of such estates, and of compelling payment thereof of the money due.

Order conclusive evidence.

138. Any order made by the court in pursuance of this Act upon any contributory shall, subject to the provisions herein contained for appealing against such order, be conclusive evidence that the moneys, if any,

thereby appearing to be due or ordered to be paid are due; and all other pertinent matters stated in such order are to be taken to be truly stated as against all persons, and in all proceedings whatsoever, with the exception of proceedings taken against the real estate of such deceased contributory, in which case such order shall only be *primò facie* evidence for the purpose of charging his real estate, unless his heirs or devisees were on the list of contributories at the time of the order being made.

139. The court may fix a certain day or certain days on or within which creditors of the company are to prove their debts or claims, or to be excluded from the benefit of any distribution made before such debts are proved. Court may exclude creditors not proving within certain time.

140. The court shall adjust the rights of the contributories amongst themselves, and distribute any surplus that may remain amongst the parties entitled thereto. Court to adjust rights of contributories.

141. The court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the estate of the company of the costs, charges, and expenses incurred in winding up any company, in such order or priority as the court thinks just. Court to order costs.

142. (1.) When the affairs of a company have been completely wound up, the court shall make an order that the company be dissolved from the date of such order, and the company shall be dissolved accordingly. Dissolution of company.

(2.) Any order so made shall be reported by the official liquidator to the Registrar who shall make a minute accordingly in his books of the dissolution of such company. Registrar to make minute of dissolution of company.

(3.) If the official liquidator makes de- Penalty on not

reporting thereof. fault in reporting to the Registrar in the case of the company being wound up by the court, the order that the company be dissolved, he shall be liable to a penalty not exceeding five pounds for every day during which he is so in default.

Extraordinary powers of the court.

Power of court to summon persons before it, suspected of having property of company.

143 (1) The court may, after it has made an order for winding up a company, summon before it any officer of the company, or any person known or suspected to have in his possession any of the estate or effects of the company or supposed to be indebted to the company, or any person whom the court may deem capable of giving information concerning the trade, dealings, estate or effects of the company.

(2.) The court may require any such officer or person to produce any books, papers, deeds, writings, or other documents in his custody or power relating to the company.

(3.) If any person so summoned, after being tendered a reasonable sum for his expenses, refuses to come before the court at the time appointed, having no lawful impediment made known to the court at the time of its sitting and allowed by it, the court may cause such person to be apprehended and brought before the court for examination: provided nevertheless, that in cases where any person claims any lien on papers, deeds, writings, or documents produced by him such production shall be without prejudice to such lien, and the court shall have jurisdiction in the winding up to determine all questions relating to such lien.

Examination of

144. The court may examine upon oath.

either orally or upon written interrogatories parties by court.
 any person appearing or brought before it in
 manner aforesaid, concerning the affairs,
 dealings, estate, or effects, of the company,
 and may reduce into writing the answers of
 every such person and require him to sub-
 scribe the same.

145. The court may at any time before
 or after it has made an order for winding up
 a company, upon proof being given that there
 is probable cause for believing that any con-
 tributory to such company is about to quit
 the island or otherwise to abscond, or to re-
 move or conceal any of his goods or chattels,
 for the purpose of evading payment of calls
 or of avoiding examination in respect of the
 affairs of the company, cause such contribu-
 tory to be arrested, and his books, papers
 moneys, securities for money, goods and
 chattels to be seized and him and them to be
 safely kept until such time as the court may
 order.

Power to arrest
contributory about
to abscond or to re-
move or conceal any
of his property.

146. Any powers by this Act conferred on
 the court shall be deemed to be in addition
 to and not in restriction of any other powers
 subsisting either at law or in equity, of in-
 stituting proceedings against any contribu-
 tory or the estate of any contributory, or
 against any debtor of the company, for the
 recovery of any call or other sums due from
 such contributory or debtor or his estate,
 and such proceedings may be instituted ac-
 cordingly.

Powers of court
cumulative.

Appeal from order of the court.

147. Appeals from any order or decision
 made or given in the matter of the winding
 up of a company by the court, may be had

Appeals from
order of the court

in the same manner and subject to the same conditions in and subject to which appeals may be had from any order or decision of the court in the exercise of its ordinary civil jurisdiction.

Voluntary winding up.

Circumstances
under which com-
pany may be wound
up voluntarily.

148 (1.) A company under this Act may be wound up voluntarily ;

(a) Whenever the period, if any, fixed for the duration of the company by the articles of association expires, or whenever the event, if any, occurs, upon the occurrence of which it is provided by the articles of association that the company is to be dissolved, and the company in general meeting has passed a resolution requiring the company to be wound up voluntarily ; or

(b.) Whenever the company has passed a special resolution requiring the company to be wound up voluntarily ; or

(c.) Whenever the company has passed an extraordinary resolution to the effect that it has been proved to its satisfaction that the company cannot, by reason of its liabilities, continue its business, and that it is advisable to wind up the same.

(2.) For the purposes of this Act, any resolution shall be deemed to be extraordinary which is passed in such manner as would, if it had been confirmed by a subsequent meeting, have constituted a special resolution as hereinafter defined.

Commencement
of voluntary wind-
ing up.

149. A voluntary winding-up shall be deemed to commence at the time of the passing of the resolution authorising such winding-up.

Effect of same on
status of company.

150. Whenever a company is wound up voluntarily, the company shall, from the

date of the commencement of such winding up, cease to carry on its business, except in so far as may be required for the beneficial winding-up thereof, and all transfers of shares, except transfers made to or with the sanction of the liquidators, or alteration in the status of the members of the company taking place after the commencement of such winding up shall be void, but its corporate state and all its corporate powers shall not, notwithstanding it is otherwise provided by its regulations, continue until the affairs of the company are wound up.

151. Notice of any special resolution or extraordinary resolution passed for winding up a company voluntarily shall be given by advertisement in the "Official Gazette."

Notice of resolution to wind up voluntarily.

152. The following consequences shall ensue upon the voluntary winding-up of a company ;

Consequences of voluntary winding up.

- (1.) the property of the company shall be applied in satisfaction of its liabilities *pari passu* and subject thereto, shall unless it is otherwise provided by the regulations of the company, be distributed among the members according to their rights and interests in the company ;
- (2.) a liquidator or liquidators shall be appointed for the purpose of winding-up the affairs of the company and distributing the property ;
- (3.) the company in general meeting shall appoint such person or persons as it thinks fit to be a liquidator or liquidators, and may fix the remuneration to be paid to him or them ;
- (4.) if one person only is appointed, all the provisions herein contained in re-

- ference to several liquidators shall apply to him ;
- (5.) upon the appointment of liquidators all the powers of the directors shall cease, except in so far as the company in general meeting, or the liquidators, may sanction the continuance of such powers ;
 - (6.) when several liquidators are appointed every power hereby given may be exercised by such one or more of them as may be determined at the time of their appointment, or in default of such determination, by any number not less than two ;
 - (7.) the liquidators may exercise all powers by this Act given to the official liquidator ;
 - (8.) the liquidators may exercise the powers hereinbefore given to the court of settling the list of contributories of the company, and any list so settled shall be *prima facie* evidence of the liability of the persons named therein to be contributories ;
 - (9.) the liquidators may, at any time after the passing of the resolution for winding-up the company, and before they have ascertained the sufficiency of the assets of the company, call on all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability, to pay all or any sums they may deem necessary to satisfy the debts and liabilities of the company, and the costs, charges, and expenses of winding it up, and for the adjustment of the rights of the con-

tributories amongst themselves ; and the liquidators may, in making a call take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same ; and

- (10.) the liquidators shall pay the debts of the company, and adjust the rights of the contributories amongst themselves.

153. Where a company limited by guarantee and having a capital divided into shares is being wound up voluntarily, any share or capital that may not have been called up shall be deemed to be assets of the company, and to be a specialty debt due from each member to the company, to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the liquidators.

Effect of winding up on share capital of company limited by guarantee.

154. A company about to be wound up voluntarily or in the course of being wound up voluntarily may, by an extraordinary resolution, delegate to its creditors, or to any committee of its creditors, the power of appointing liquidators or any of them and of supplying any vacancies in the appointment of liquidators, or may by a like resolution, enter into any arrangement with respect to the powers to be exercised by the liquidators and the manner in which they are to be exercised ; and any act done by the creditors in pursuance of such delegated power shall have the same effect as if it had been done by the company.

Power of company to delegate authority to appoint liquidators.

155 (1.) Any arrangement entered into between a company about to be wound up voluntarily or in the course of being wound up

Arrangement when binding on creditors.

up voluntarily and its creditors, shall be binding on the company if sanctioned by an extraordinary resolution, and on the creditors if acceded to by three fourths in number, and value of the creditors, subject to such right of appeal as is hereinafter mentioned.

Power of creditor or contributory to appeal.

(2.) Any creditor or contributory of a company that has, in manner aforesaid, entered into any arrangements with its creditors may, within three weeks from the date of the completion of such arrangement appeal to the court against such arrangement, and the court may thereupon, as it thinks just, amend, vary, or confirm the same

Power for liquidators or contributories in voluntary winding up to apply to court.

156. Where a company is being wound up voluntarily, the liquidators or any contributory of the company may apply to the court to determine any question arising in the matter of such winding-up, or to exercise, in respect of the enforcing of calls or in respect of any other matter, all or any of the powers which the court might exercise if the company were being wound up by the court; and the court may, if satisfied that the determination of such questions, or the required exercise of power, will be just and beneficial, accede, wholly or partially, to such application, on such terms and subject to such conditions as the court thinks fit, or it may make such other order or decree on such application as the court thinks just.

Power of liquidator to call general meeting.

157. (1.) Where a company is being wound up voluntarily, the liquidators may, from time to time, during the continuance of such winding-up, summon general meetings of the company for the purpose of obtaining the sanction of the company by special or

extraordinary resolution, or for any other purposes they think fit.

(2.) In the event of the winding-up continuing for more than one year, the liquidators shall summon a general meeting of the company at the end of the first year, and at the end of each succeeding year from the commencement of the winding up, or as soon thereafter as may be convenient, and shall lay before such meeting an account showing their acts and dealings and the manner in which the winding up has been conducted during the preceding year.

158. If any vacancy occurs in the office of liquidators appointed by the company by death, resignation, or otherwise, the company in general meeting may, subject to any arrangement they may have entered into with their creditors, fill up such vacancy; and a general meeting for the purpose of filling up such vacancy may be convened by the continuing liquidators, if any, or by any contributory of the company, and shall be deemed to have been duly held if held in manner prescribed by the regulations of the company, or in such other manner as may, on application by the continuing liquidator, if any, or by any contributory of the company, be determined by the court.

Power to fill up
vacancy in liquidators.

159. If, from any cause whatever, there is no liquidator acting in the case of a voluntary winding-up, the court may, on the application of a contributory appoint a liquidator or liquidators; and the court may also on due cause shown, remove any liquidator, and appoint another liquidator to act in the matter of a voluntary winding-up.

Power of court to
appoint liquidators.

160. (1) As soon as the affairs of the company are fully wound-up, the liquidators

Liquidators on
conclusion of wind.

ing up to make an account. shall make up an account showing the manner in which such winding-up has been conducted, and the property of the company disposed of; and thereupon they shall call a general meeting of the company for the purpose of having the account laid before them, and hearing any explanation that may be given by the liquidators.

(2) The meeting shall be called by advertisement, specifying the time, place, and object of such meeting; and such advertisement shall be published one month at least previously to the meeting in the Official Gazette and in two newspapers of the island.

Liquidators to report meeting to registrar.

(3) The liquidators shall make a return to the Registrar of such meeting having been held and of the date at which the same was held, and on the expiration of three months from the date of the registration of such return, the company shall be deemed to be dissolved.

(4) If the liquidators make default in making such return to the Registrar, they shall severally incur a penalty not exceeding five pounds for every day during which such default continues.

Costs of voluntary liquidation.

161. All costs, charges, and expenses properly incurred in the voluntary winding-up of a company, including the remuneration of the liquidators, shall be payable out of the assets of the company, in priority to all other claims.

Saving of rights of creditors.

162. The voluntary winding-up of a company shall not be a bar to the right of any creditor of such company to have the same wound-up by the court, if the court is of opinion that the rights of such creditor will be prejudiced by a voluntary winding-up.

163. Where a company is in course of being wound up voluntarily, and proceedings are taken for the purpose of having the same wound up by the court, the court may, if it thinks fit, notwithstanding that it makes an order directing the company to be wound up by the court, provide, in such order or in any other order, for the adoption of all or any of the proceedings taken in the course of the voluntary winding-up.

Winding-up subject to supervision of the court.

164. When a resolution has been passed by a company to wind up voluntarily, the court may make an order directing that the voluntary winding-up shall continue, but subject to such supervision of the court, and with such liberty for creditors, contributories, or others to apply to the court, and generally upon such terms and subject to such conditions as the court thinks just.

165. A petition praying wholly or in part that a voluntary winding-up should continue, but subject to the supervision of the court, and which winding-up is hereinafter referred to as a winding-up subject to the supervision of the court, shall, for the purpose of giving jurisdiction to the court over actions suits and other proceedings, be deemed to be a petition for winding-up the company by the court.

166. (1) The court may, in determining whether a company is to be wound up altogether by the court, or subject to the supervision of the court, in all matters relating to the winding-up subject to supervision, have regard to the wishes of the creditors or contributories as proved to it

Power of court to adopt proceedings of voluntary winding up.

Power of court on application to direct winding up subject to supervision.

Petition for winding up subject to supervision.

Court may have regard to wishes of creditors.

by any sufficient evidence; and may direct meetings of the creditors or contributories to be summoned, held, and regulated in such manner as the court directs for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the court.

(2) In the case of creditors, regard shall be had to the value of the debts due to each creditor, and, in the case of contributories, to the number of votes conferred on each contributory by the regulations of the company.

Power to court to direct Official Assignee to act as liquidator. 167. (1) Where any order is made by the court for a winding-up subject to the supervision of the court, the court may, in such order or in any subsequent order, direct the Official Assignee to act as liquidator in lieu of the liquidator or liquidators appointed by the Company.

Effect of order of court for winding up subject to supervision 168. Where an order is made for a winding-up subject to the supervision of the court, the liquidators appointed to conduct such winding-up may, subject to any restrictions imposed by the court, exercise all their powers, without the sanction or intervention of the court, in the same manner as if the company were being wound up altogether voluntarily; but, save as aforesaid, any order made by the court for a winding-up subject to the supervision of the court shall for all purposes, including the staying of actions suits and other proceedings, be deemed to be an order of the court for winding-up the company by the court and shall confer full authority on the court to make calls or to enforce calls made by the liquidators, and to exercise all other powers which it

might have exercised if an order had been made for winding-up the company altogether by the court; and in the construction of the provisions whereby the court is empowered to direct any act or thing to be done to or in favour of the official liquidators, the expression "official liquidators" shall be deemed to mean the liquidators conducting the winding-up subject to the supervision of the court.

169. Where an order has been made for the winding-up of a company subject to the supervision of the court, and such order is afterwards superseded by an order directing the company to be wound up compulsorily, the Official Assignee alone shall act as Official liquidator.

Official Assignee to act as official liquidator in such cases.

Supplemental provisions.

170. Where any company is being wound up by the court, or subject to the supervision of the court, all dispositions of the property, effects, and things in action of the company, and every transfer of shares, or alteration in the status of the members of the company made between the commencement of the winding-up and the order for winding up shall, unless the court otherwise orders, be void.

Prohibition of dispositions after the commencement of the winding up.

171. Where any company is being wound up, all books, accounts, and documents of the company and of the liquidators shall, as between the contributories of the company, be *prima facie* evidence of the truth of all matters purporting to be therein recorded.

The books of the company to be evidence.

172. Where any company has been wound up under this Act and is about to be dissolved, the books, accounts, and docu-

As to disposal of books &c of the company.

ments of the company and of the liquidators may be disposed of in the following way, that is to say, where the company has been wound-up by or subject to the supervision of the court, in such way as the court directs and where the company has been wound up voluntarily in such way as the company, by an extraordinary resolution, directs: but, after the lapse of five years from the date of such dissolution, no responsibility shall rest on the company, or the liquidators, or any one to whom the custody of such books, accounts, and documents has been committed, by reason that the same or any of them cannot be made forthcoming to any party or parties claiming to be interested therein.

Inspection of
books.

173. Where an order has been made for the winding-up of a company by the court or subject to the supervision of the court, the court may make such order for the inspection, by the creditors and contributories of the company, of its books and papers as the court thinks just; and any books and papers in the possession of the company may be inspected by creditors or contributories, in conformity with the order of the court, but not further or otherwise.

Power of Assignee
to sue.

174. Any person to whom anything in action belonging to a company is assigned, in pursuance of this Act, may bring or defend any action or other proceeding relating to such thing in action, in his own name.

Debts of all des-
criptions to be
proved.

175. In the event of any company being wound up under this Act, all debts payable on a contingency, and all claims against the company, present or future, certain or contingent, ascertained or sounding only in damages, shall be admissible to proof

against the company, a just estimate being made, so far as is possible, of the value of all such debts or claims as may be subject to any contingency or sound only in damages, or for some other reason do not bear a certain value; provided that in winding up any company whose assets are insufficient to pay its debts and liabilities and the cost of the winding-up, the same rules shall prevail and be observed as to the respective rights of secured and unsecured creditors, and as to the debts and liabilities proveable, and as to the valuation of annuities and future and contingent liabilities respectively as may be in force for the time being under the law of bankruptcy, with respect to the estates of persons adjudged bankrupt; and all persons who, in any such case, would be entitled to prove and receive dividends out of the assets of any such company, may come in under the winding-up of such company and make such claims as they may respectively be entitled to.

176. The liquidators may, with the sanction of the court, where the company is being wound up by the court, or subject to the supervision of the court, and with the sanction of an extraordinary resolution of the company where the company is being wound up altogether voluntarily, pay any classes of creditors in full, or make such compromise or other arrangement as the liquidators may deem expedient with creditors or persons claiming to be creditors, or persons having or alleging themselves to have any claim, present or future, certain or contingent, ascertained or sounding only in damages, against the company, or whereby the company may be rendered liable.

General scheme of liquidation may be sanctioned.

Power to compromise.

177. The liquidators may, with the sanction of the court, where the company is being wound up by the court, or subject to the supervision of the court, and with the sanction of an extraordinary resolution of the company where the company is being wound up altogether voluntarily, compromise all calls and liabilities to calls, debts and liabilities capable of resulting in debts, and all claims, whether present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist between the company and any contributory or alleged contributory, or other debtor or person apprehending liability to the company, and all questions in any way relating to or affecting the assets of the company, or the winding up of the company, upon the receipt of such sums, payable at such times, and generally upon such terms as may be agreed upon, with power for the liquidator to take any security for the discharge of such debts or liabilities, and to give complete discharges in respect of all or any such calls, debts, or liabilities.

Where compromise proposed court may order a meeting of creditors &c., to decide as to such compromise.

178. Where any compromise or arrangement is proposed between a company which is being wound up by the court or subject to the supervision of the court, or altogether voluntarily, and the creditors of such company or any class of such creditors, it shall be lawful for the court, on the application in a summary way of any creditor or of the liquidators, to order that a meeting of such creditors or class of creditors shall be summoned in such manner as the court may direct; and if a majority in number, representing three-fourths in value, of such credi-

tors or class of creditors, present either in person or by proxy at such meeting, shall agree to any arrangement or compromise. such arrangement or compromise shall, if sanctioned by an order of the court, be binding on all such creditors or class of creditors, as the case may be, and also on the liquidators and contributories of the company.

179. (1.) Where any company is proposed to be or is in the course of being wound up altogether voluntarily, and the whole or a portion of its business or property is proposed to be transferred or sold to another company, the liquidators of the first-mentioned company may, with the sanction of a special resolution of the company by whom they were appointed, conferring either a general authority on the liquidators or an authority in respect of any particular arrangement, receive, in compensation or part compensation for such transfer or sale, shares, policies, or other like interests in such other company, for the purpose of distribution amongst the members of the company being wound up, or may enter into any other arrangement whereby the members of the company being wound up, may, in lieu of receiving cash, shares, policies, or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing company.

Power for liquidators to accept shares &c, as a consideration for sale of property of company.

(2.) Any sale made or arrangement entered into by the liquidators, in pursuance of this section, shall be binding on the members of the company being wound up; subject to this proviso, that if any member of the company being wound up who has not

voted in favour of the special resolution passed by the company of which he is a member, at either of the meetings held for passing the same, expresses his dissent from any such special resolution in writing addressed to the liquidators or one of them, and left at the registered office of the company not later than seven days after the date of the meeting at which such special resolution was passed, such dissentient member may require the liquidators to do one of the following things as the liquidators may prefer, that is to say, either to abstain from carrying such resolution into effect, or to purchase the interest held by such dissentient member at a price to be determined in manner hereinafter mentioned, such purchase money to be paid before the company is dissolved and to be raised by the liquidators in such manner as may be determined by special resolution.

(3.) No special resolution shall be deemed invalid for the purposes of this section by reason that it is passed antecedently to or concurrently with any resolution for winding up the company or for appointing liquidators; but if an order is made within a year for winding up the company by, or subject to the supervision of the court, such resolution shall not be of any validity unless it is sanctioned by the court.

Mode of determining price.

(4.) The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement, but if the parties dispute about the same, such dispute shall be settled by arbitration in manner herein provided.

Certain attachments &c. to be void.

180. Where any company is being wound up by the court or subject to the supervision

of the court, any attachment, sequestration, distress, or execution put in force against the estate or effects of the company after the commencement of the winding-up shall be void to all intents and purposes.

181. (1.) Any such conveyance, mortgage, delivery of goods, payment, execution, or other act relating to property as would, if made or done by or against any individual trader, be deemed in the event of his bankruptcy, to have been made or done by way of undue or fraudulent preference of the creditors of such trader, shall, if made or done by or against any company, be deemed, in the event of such company being wound up under this Act, to have been made or done by way of undue or fraudulent preference of the creditors of such company, and shall be invalid accordingly. Fraudulent preference.

(2.) For the purposes of this section, the presentation of a petition for winding up a company shall, in the case of a company being wound up by the court or subject to the supervision of the court, and a resolution for winding up the company shall, in the case of a voluntary winding-up, be deemed to correspond with the act of bankruptcy in the case of an individual.

(3.) Any conveyance or assignment made by any company formed under this Act, of all its estates and effects to trustees for the benefit of all its creditors, shall be void to all intents.

182. Where, in the course of the winding up of any company under this Act it appears that any past or present director, manager, official, or other liquidator, or any officer of such company, has mis-applied or retained in his own hands or become liable or Power of court to assess damages against delinquent directors and officers.

accountable for any moneys of the company or being guilty of any misfeasance or breach of trust in relation to the company. the court may, on the application of any liquidator or of any creditor or contributory, notwithstanding that the offence is one for which the offender is criminally responsible examine into the conduct of such director, manager, or other officer, and compel him to repay any moneys so mis-applied or retained, or for which he has become liable or accountable, together with interest after such rate as the court thinks just, or to contribute such sums of money to the assets of the company by way of compensation in respect of such mis-application, retainer, misfeasance, or breach of trust as the court thinks just.

Penalty on falsification of books.

153. If any director, officer, or contributory of any company wound-up under this Act, destroys, mutilates, alters, or falsifies any books, papers, writings, or securities, or makes or is privy to the making of any false or fraudulent entry in any register, book of account, or other document belonging to the company, with intent to defraud or deceive any person, every person so offending shall be guilty of a misdemeanour, and being convicted thereof, shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years.

Prosecution of delinquent directors in the case of a winding up by court

184. (1) Where any order is made for the winding-up of a company by the court or subject to the supervision of the court, if it appears, in the course of such winding-up, that any past or present director, manager, officer, or member of such company has been guilty of any offence in relation to the

company, for which he is criminally responsible, the court may, on the application of any person interested in such winding-up, or of its own motion direct the official liquidator, or the liquidators, as the case may be; to institute a prosecution or prosecutions for such offence, and may order the costs and expenses thereof to be paid out of the assets of the company

(2.) Where a company is being wound-up altogether voluntarily, if it appears to the liquidators conducting such winding-up that any past or present director, manager, officer, or member of such company has been guilty of any offence in relation to the company for which he is criminally responsible it shall be lawful for the liquidators, with the previous sanction of the court, to prosecute such offender, and all expenses properly incurred by them in such prosecution shall be payable out of the assets of the company, in priority to all other liabilities.

185. If any person upon any examination upon oath or affirmation authorised under this Act, or in any affidavit, deposition, or solemn affirmation in or about the winding-up of any company under this Act, or otherwise in or about any matter arising under this Act, wilfully and corruptly gives false evidence, he shall be deemed guilty of perjury, and shall be liable to be indicted and if convicted, to be punished accordingly.

186. (1.) In the distribution of the assets of any company being wound-up under this Act, there shall be paid in priority to other debts,

- (a.) all wages or salary of any clerk or servant in respect of service rendered to the company during four

months before the commencement of the winding-up, not exceeding fifty pounds; and

(b.) all wages of any workman or labourer in respect of services rendered to the company during two months before the commencement of the winding-up.

(2.) The foregoing debts shall rank equally among themselves, and shall be paid in full unless the assets of the company are insufficient to meet them, in which case they shall abate in equal proportions among themselves.

(3.) Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the liquidators or official liquidators shall discharge the foregoing debts forthwith, so far as the assets of the company are and will be sufficient to meet them, as and when such assets come into the hands of such liquidator or official liquidators.

Striking company off register.

Power of registrar to strike names of defunct companies off register.

187. (1.) Where the registrar has reasonable cause to believe that a company is not carrying on business or in operation, he shall send to the company, by post or otherwise, a letter inquiring whether the company is carrying on business or in operation,

(2.) If the registrar does not within one month of sending the letter, receive any answer thereto, he shall, within fourteen days after the expiration of the month, send to the company, by post or otherwise, a registered letter referring to the first letter, and stating that no answer thereto has been received by him, and that, if an answer is not

received to the second letter within one month from the date thereof, a notice will be published in the Official Gazette with a view to striking the name of the company off the register.

(3.) If the registrar either receives an answer from the company to the effect that it is not carrying on business or in operation or does not within one month after sending the second letter, receive any answer thereto the registrar may publish in the Official Gazette and send to the company a notice that, at the expiration of three months from the date of that notice, the name of the company mentioned therein will, unless cause is shown to the contrary, be struck off the register, and the company will be dissolved.

(4.) At the expiration of the time mentioned in the notice, the registrar may, unless cause to the contrary is previously shown by such company, strike the name of such company off the register, and shall publish notice thereof in the Official Gazette; and on the publication of such last mentioned notice, the company whose name is so struck off, shall be dissolved; provided that the liability, if any, of every director, managing officer, and member of the company shall continue and may be enforced as if the company had not been dissolved.

(5.) If any company or any member thereof feels aggrieved by the name of such company having been struck off the register in pursuance of this section, the company or member may apply to the court, and the court may, if satisfied that the company was, at the time of the striking off, carrying on business or in operation, and that it is just

so to do, order the name of the company to be restored to the register, and thereupon the company shall be deemed to have continued in existence as if the name thereof had never been struck off; and the court may, by such order give such directions and make such provisions as seem just for placing the company and all other persons in the same position as nearly as may be as if the name of the company had never been struck off.

(6.) A letter or notice authorised or required for the purposes of this section to be sent to a company may be sent by post addressed to the company at its registered office, or if no office has been registered, addressed to the care of some director or officer of the company, or if there is no director or officer of the company whose name and address are known to the registrar, the letter or notice, in identical form may be sent to each of the persons who subscribed the memorandum of association addressed to him at the address mentioned in that memorandum.

(7.) In the execution of his duties under this section, the Registrar shall conform to any regulations or directions which may be from time to time made or given by the Governor-in-Executive Committee.

Rules of Court.

Power of chief justice to make rules. 188. The chief justice may, as often as circumstances require, make such rules concerning the mode of proceeding to be had in winding-up a company in the court as may from time to time be necessary; but, until such rules are made and so far as the same do not extend, the general orders, rules and

forms of the Chancery division of the High Court of Justice in England in force at the commencement of this Act shall, so far as the same are applicable to local circumstances and not inconsistent with this Act, or with such rules as aforesaid, apply to all proceedings for winding up a company.

PART V.

MISCELLANEOUS.

Registration Office.

189. The registration of companies under this Act shall be conducted as follows; that is to say, Registration how conducted.

(1.) The colonial secretary shall, *ex officio*, be registrar of joint stock companies under this Act, and his office shall, for the purposes of this Act, be the registration office.

(2.) Any person may inspect the documents kept by the registrar, and may require a certificate of the incorporation of any company or a copy or extract of any document or part of a document, to be certified by the registrar on payment for the benefit of the general revenue of the usual fees by law payable for certificates, copies or extracts of or from documents recorded in the Colonial Secretary's Office.

190. (1) Any company having a capital divided into shares and whose objects comprise the transaction of business in the United Kingdom or in any British colony may, if authorised to do so by its regulations as originally framed, or as altered by special resolution, cause to be kept in that part of the United Kingdom or in any such colony in which it transacts business, a branch register or registers of members Power for companies to have branch registers.

resident in the United Kingdom or in such colony.

(2) The company shall give to the registrar notice of the situation of the office where any such branch register (in this section called a British register) is kept, and of any change therein, and of the discontinuance of any such office in the event of the same being discontinued.

(3.) A British register shall, as regards the particulars entered therein be deemed to be a part of the company's register of members, and shall be a *prima facie* evidence of all particulars entered therein. Any such register shall be kept in the manner provided by this Act, with these qualifications, that the advertisement mentioned in section twenty eight shall be inserted in some newspaper circulating in the district wherein the register to be closed is kept, and that any competent court in the United Kingdom or such colony where such register is kept, shall be entitled to exercise the same jurisdiction of rectifying the same as is by section twenty nine vested in the court of common pleas of this island, and that offences under section twenty seven may, as regards a British register, be prosecuted summarily before any tribunal in the United Kingdom or in such colony where such register is kept, having summary criminal jurisdiction.

(4.) The company shall transmit to its registered office a copy of every entry in its British register or registers as soon as may be after such entry is made, and the company shall cause to be kept at its registered office, duly entered up from time to time, a duplicate or duplicates of its British register or registers. The provisions of section

twenty seven shall apply to every duplicate, and every such duplicate shall, for all the purposes of this Act, be deemed to be part of the register of members of the company.

(5.) Subject to the provisions of this Act with respect to the duplicate register, the shares registered in a British register shall be distinguished from the shares registered in the principal register, and no transaction with respect to any shares registered in a British register shall, during the continuance of the registration of shares in such British register, be registered in any other register.

(6.) The company may at any time discontinue to keep any British register, and thereupon all entries in that register shall be transferred to some other British register kept by the company in the United Kingdom or in such colony, or to the register of members kept at the registered office of the company.

(7.) Subject to the provisions of this section, any company may by its regulations, as originally framed or as altered by special resolution, make such provisions as it thinks fit respecting the keeping of British registers.

Application of Act to unregistered companies.

191. Subject as hereinafter mentioned, any partnership, association, or company, except a friendly society established under any Act relating to friendly societies for the time being in force in this island, or a society established under "The Industrial and Provident Societies Act 1888" or under "The Building Societies Act 1889," consisting of more than five members, and not regis-

tered under this Act, and hereinafter included under the term "unregistered company," may be wound up under this Act, and all the provisions of this Act with respect to winding up shall apply to such company, with the following exceptions and additions; that is to say,

(1) no unregistered company shall be wound-up under this Act voluntarily, or subject to the supervision of the court;

(2) the circumstances under which an unregistered company may be wound up are as follows; that is to say,

(a) whenever the company is dissolved, or has ceased to carry on business, or is carrying on business only for the purpose of winding-up its affairs; or

(b) whenever the company is unable to pay its debts; or

(c) whenever the court is of opinion that it is just and equitable that the company should be wound-up; and

(3) an unregistered company shall, for the purposes of this Act be deemed to be unable to pay its debts,

(a) whenever a creditor, by assignment or otherwise, to whom the company is indebted, at law or in equity, in a sum exceeding fifty pounds then due, has served on the company, by leaving the same at the registered office of the company, or by delivering to the secretary or some director or principal officer of the company, or by otherwise serving the same in such manner as the court may approve or direct, a demand under his hand requiring the company to pay the sum so due, and the company

- has, for the space of three weeks succeeding the service of such demand, neglected to pay such sum or to secure or compound for the same to the satisfaction of the creditor; or
- (b) whenever any action suit or other legal proceeding has been instituted against any member of the company for any debt or demand due or claimed to be due from the company, or from him in his character of a member of the company and notice in writing of the institution of such action suit or other legal proceeding having been served upon the company, by leaving the same at the registered office of the company, or by delivering it to the secretary, or some director, manager, or principal officer of the company, or by otherwise serving the same in such manner the court may approve or direct, and the company has not, within ten days after the service of such notice, paid, secured, or compounded for such debt or demand or procured such action suit or other legal proceedings to be stayed, or indemnified the defendant to his reasonable satisfaction against such action suit or other legal proceeding, and against all costs, damages, and expenses to be incurred by him by reason of the same; or
- (c) whenever execution or other process issued on a judgment, decree or order obtained in any court in favour of any creditor in any proceeding instituted by such creditor against the company

or any member thereof as such, or against any person authorised to be sued as nominal defendant on behalf of the company, is returned unsatisfied; or

- (d) whenever it is otherwise proved to the satisfaction of the court that the company is unable to pay its debts.

Who to be deemed a contributory in the case of a company being wound up.

192. (1) In the event of an unregistered company being wound-up, every person shall be deemed to be a contributory who is liable, at law or in equity, to pay or contribute to the payment of any debt or liability of the company, or to pay or contribute, to the payment of any sum for the adjustment of the rights of members amongst themselves, or to pay or to contribute to the payment of the costs, charges, and expenses of winding-up the company; and every such contributory shall be liable to contribute to the assets of the company in the course of the winding-up, all sums due from him in respect of any such liability as aforesaid.

(2) In the event of the death or bankruptcy of any contributory or the marriage of any female contributory, the provisions hereinbefore contained with respect to the personal representatives, heirs and devisees of a deceased contributory, and to the assignees of a bankrupt contributory, and to the husbands of married contributories, shall apply.

Power of court to restrain further proceedings.

193. The court may at any time after the presentation of a petition for winding-up an unregistered company, and before making an order for winding-up the company, upon the application of any creditor of the company, restrain further proceedings in any action suit or other proceeding against any

contributory of the company, or against the company as hereinbefore provided, upon such terms as the court thinks fit.

194. Where an order has been made for winding-up an unregistered company, in addition to the provisions hereinbefore contained in the case of companies formed under this Act, it is hereby further provided that no action suit or other legal proceeding shall be commenced or proceeded with against any contributory of the company in respect of any debt of the company, except with leave of the court, and subject to such terms as the court may impose.

Effect of order for winding-up company.

195. If any unregistered company has no power to sue and be sued in a common name, or if for any reason it appears expedient, the court may, by the order made for the winding-up such company or by any subsequent order, direct that all such property, real and personal, including all interests, claims, and rights into and out of property, real and personal, and including things in action, as may belong to or be vested in the company, or to or in any person or persons on trust for or on behalf of the company, or any part of such property, is to vest in the official liquidator by his official name: and thereupon the same, or such part thereof as may be specified in the order, shall vest accordingly, and the official liquidator may in his official name, or in such name and after giving such indemnity, as the court directs, bring or defend any action, suit or other legal proceeding relating to any property vested in him or any action suit or other legal proceeding necessary to be brought or defended for the purposes of effectually winding-up the company and recovering the property thereof.

Provision in case of unregistered company.

Provisions in this part of Act cumulative.

196. The provisions hereinbefore made with respect to unregistered companies shall be deemed to be made in addition to and not in restriction of any provisions hereinbefore contained in respect to winding-up companies by the court; and the court or official liquidator may, in addition to anything contained in the said provisions, exercise any powers or do any act in the case of unregistered companies which might be exercised or done by it or him in winding-up companies formed under this Act; but an unregistered company shall not, except in the event of its being wound-up, be deemed to be a company under this Act, and then only to the extent hereinbefore provided for.

Swearing of affidavits.

Affidavits where and before whom same may be sworn.

197. (1) Any affidavit required to be sworn under the provisions or for the purposes of Part iv. may be lawfully sworn in the United Kingdom, or in any colony, or place under the dominion of Her Majesty, before any court, judge, or person lawfully authorised to take and receive affidavits or before any of Her Majesty's consuls or vice-consuls in any foreign parts out of Her Majesty's dominions.

(2) All courts, judges, magistrates, justices, commissioners and persons acting judicially shall take judicial notice of the seal or stamp or signature, as the case may be, of any such court, judge, person, consul or vice-consul attached, appended, or subscribed to any such affidavit, or to any other document to be used for the purposes of this Act.

Offences.

198. Every person who
Penalties on per- (1) forges or alters, or offers, utters, dis-

poses of, or puts off, knowing the same to be forged or altered, any share, warrant or coupon or document purporting to be a share warrant or coupon issued in pursuance of this Act; or

(2) demands, or endeavours to obtain or receive, any share or interest of or in any company under this Act or to receive any dividend or money payable in respect thereof, by virtue of any such forged or altered share warrant, coupon, or document purporting as aforesaid, knowing the same to be forged or altered, with intent in any of the cases aforesaid to defraud, shall be guilty of felony, and being convicted thereof, shall be liable to imprisonment with or without hard labour and with or without solitary confinement for any term not exceeding three years.

199. Every person who falsely and deceitfully personates any owner of any share or interest of or in any company, or of any share warrant, or coupon issued in pursuance of this Act, and thereby obtains or endeavours to obtain any such share or interest or share, warrant, coupon, or receives or endeavours to receive any money due to any such owner, as if such offender were the true and lawful owner, shall be guilty of felony, and being convicted thereof, shall be liable to imprisonment, with or without hard labour and with or without solitary confinement, for any term not exceeding three years.

200. Every person who, without lawful authority or excuse, the proof whereof shall be on him,

(1) engraves or makes upon any plate

Falsely personating owner of shares.

Engraving plates &c.

wood, stone, or other material, any share warrant or coupon purporting to be a share warrant or coupon issued or made by any particular company under and in pursuance of this Act, or to be a blank share warrant or coupon issued or made as aforesaid, or to be a part of such share, warrant or coupon ; or

(2) uses any such plate, wood, stone, or other material, for the making or printing any such share warrant or coupon, or any such blank share warrant or coupon, or any part thereof respectively ; or

(3) knowingly has in his custody or possession any such plate, wood, stone, or other material,

shall be guilty of felony, and being convicted thereof, shall be liable to imprisonment, with or without hard labour and with or without solitary confinement, for any term not exceeding three years.

Forms.

Forms.

201. The forms contained in the second schedule to this Act, or forms as near thereto as circumstances admit, shall be used in all matters to which such forms refer.

Former Companies.

Former companies. 202. Subject as hereinafter mentioned, this Act, with the exception of table A in the first schedule, shall apply to companies formed and registered under the Joint Stock Companies Act 1866, in the same manner in the case of a limited company, as if such company had been formed and registered under this Act as a Company limit-

ed by shares, and in the case of a Company other than a limited Company as if such company had been formed and registered as an unlimited Company under this Act, with this qualification, that wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such companies were respectively registered under the Joint Stock Companies Act, 1866, and the power of altering regulations by special resolution given by this Act shall, in the case of any company formed and registered under the Joint Stock Companies Act 1866, extend to altering any provisions contained in the table marked B annexed to this Act, and shall also in the case of an unlimited company formed and registered as last aforesaid extend to altering any regulations relating to the amount of capital or its distribution into shares, notwithstanding such regulations are contained in the memorandum of association.

Repeal.

203. "The Joint Stock Companies Act, 1866," is hereby repealed; provided always that this repeal shall not affect

Repeal of Acts.

- (1) anything duly done under the repealed Act;
- (2.) the incorporation of any company registered under the repealed Act;
- (3.) any right or privilege acquired or liability incurred under the repealed Act;
- (4) any penalty, forfeiture, or other punishment, incurred in respect of any offence, against the said repealed Act;

Saving clause as to repeal.

- (5.) Table B in the schedule annexed to "The Joint Stock Companies Act, 1866," or any part thereof, so far as the same applies to any company existing at the time of the commencement of this Act.

Saving of existing proceedings for winding up.

204. Where previously to the commencement of this Act an order has been made for winding up a company under the Act hereby repealed, or a resolution has been passed for winding up a company voluntarily, such company shall be wound up in the same manner and with the same incidents as if this Act were not passed, and for the purposes of such winding up such repealed Act shall be deemed to remain in full force.

Saving of conveyances deeds &c.

205. Where previously to the commencement of this Act any conveyance, mortgage or other deed has been made in pursuance of the Act hereby repealed, such deed shall be of the same force as if this Act had not passed, and for the purposes of such deed such repealed Act shall be deemed to remain in full force.

206. All references in any former Act of this Island to "The Joint Stock Companies Act, 1866" shall be construed to refer to this Act.

SCHEDULES.

THE FIRST SCHEDULE.

TABLE A.

REGULATIONS FOR THE MANAGEMENT OF A COMPANY LIMITED BY SHARES.

Shares.

1. If several persons are registered as joint

holders of any share, any one of such persons may give effectual receipts for any dividend payable in respect of such share

2. Every member shall on payment of one shilling or such less sum as the company in general meeting may prescribe, be entitled to a certificate under the common seal of the company, specifying the share or shares held by him, and the amount paid up thereon.

3. If such certificate is worn out or lost, it may be renewed, on payment of one shilling or such less sum as the company in general meeting may prescribe.

Calls on shares.

4. The directors may from time to time make such calls upon the members in respect of all moneys unpaid on their shares as they think fit, provided that twenty-one day's notice at least is given of each call; and each member shall be liable to pay the amount of calls so made, to the persons and at the times and places appointed by the directors.

5. A call shall be deemed to have been made at the time when the resolution of the directors authorizing such call was passed.

6. If the call payable in respect of any share is not paid before or on the day appointed for payment thereof, the holder for the time being of such share shall be liable to pay interest for the same at the rate of six per cent, per annum, from the day appointed for the payment thereof to the time of the actual payment.

7. The directors may, if they think fit, receive from any member willing to advance the same, all or any part of the moneys due upon the shares held by him beyond the

sums actually called for; and upon the moneys so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect of which such advance has been made, the company may pay interest at such rate as the member paying such sum in advance and the directors agree upon.

Transfer of shares.

8. The instrument of transfer of any share in the company shall be executed both by the transferor and the transferee; and the transferor shall be deemed to remain a holder of such share until the name of the transferee is entered in the register book in respect thereof.

9. Shares in the company shall be transferred in the following form :—

I, A. B., of _____ in
consideration of the sum of _____
pounds paid to me by C. D., of _____
do hereby transfer
to the said C. D. the share (or shares) num-
bered _____ standing
in my name in the books of the
company, to hold unto the said
C. D., his executors, administrators, and
assigns, subject to the several conditions on
which I held the same at the time of the
execution hereof; and I the said C. D.,
do hereby agree to take the said share (or
shares) subject to the same conditions. As
witness our hands the
day of _____ 1

10. The company may decline to register any transfer of shares made by a member who is indebted to them.

11. The transfer books shall be closed

during the fourteen days immediately preceding the ordinary general meeting in each year.

Transmission of shares.

12. The executors, or administrators of a deceased member shall be the only persons recognised by the company as having any title to his share.

13. Any person becoming entitled to a share in consequence of the death, bankruptcy, or insolvency of any member, or in consequence of the marriage of any female member, may be registered as a member upon such evidence being produced as may from time to time be required by the company.

14. Any person who has become entitled to a share in consequence of the death, bankruptcy, or insolvency of any member, or in consequence of the marriage of any female member, may, instead of being registered himself, elect to have some person to be named by him registered as a transferee of such share.

15. The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such share.

16. The instrument of transfer shall be presented to the company, accompanied with such evidence as the directors may require to prove the title of the transferor, and thereupon the company shall register the transferee as a member.

Forfeiture of shares.

17. If any member fails to pay any call on the day appointed for payment thereof, the directors may, at any time thereafter

during such time as the call remains unpaid, serve a notice on him requiring him to pay such call, together with interest and any expenses that may have accrued by reason of such non-payment.

18. The notice shall name a further day on or before which such call, and all interest and expenses that have accrued by reason of such non-payment, are to be paid; and shall also name the place where payment is to be made (the place so named being either the registered office of the company or some other place at which calls of the company are usually made payable). The notice shall also state that, in the event of non-payment at or before the time and at the place appointed the shares in respect of which such call was made will be liable to be forfeited.

19. If the requisition of any such notice as aforesaid is not complied with, any share in respect of which such notice has been given may at anytime thereafter, before payment of all calls, interest, and expenses, due in respect thereof has been made, be forfeited, by a resolution of the directors to that effect.

20. Any share so forfeited shall be deemed to be the property of the company, and may be disposed of in such manner as the company in general meeting thinks fit.

21. Any member whose shares have been forfeited shall, notwithstanding such forfeiture, be liable to pay to the company all calls owing upon such shares at the time of the forfeiture.

22. A statutory declaration in writing that the call in respect of a share was made and notice thereof given, and that default in payment of the call was made, and that

the forfeiture of the share was made by a resolution of the directors to that effect, shall be sufficient evidence of the facts therein stated, as against all persons entitled to such share: and such declaration and the receipt of the company for the price of such share shall constitute a good title of such share; and a certificate of proprietorship shall be delivered to a purchaser, and thereupon he shall be deemed the holder of such share, discharged from all calls due prior to such purchase; and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

Conversion of shares into stock.

23. The directors may, with the sanction of the company previously given in general meeting, convert any paid up shares into stock.

24. When any shares have been converted into stock, the several holders of such stock may thenceforth transfer their respective interests therein, or any part of such interests, in the same manner and subject to the same regulations as and subject to which any shares in the capital of the company may be transferred, or as near thereto as circumstances admit.

25. The several holders of stock shall be entitled to participate in the dividends and profits of the company according to the amount of their respective interests in such stock, and such interests shall, in proportion to the amount thereof confer on the holders thereof, respectively the same privileges and advantages for the purpose of voting at meetings of the company, and for other

purposes, as would have been conferred by shares of equal amount in the capital of the company but so that none of such privileges or advantages, except the participation in the dividends and profits of the company, shall be conferred by any such aliquot part of consolidated stock as would not, if existing in shares, have conferred such privileges or advantages.

Increase of capital.

26. The directors may with the sanction of a special resolution of the company previously given in general meeting, increase its capital by the issue of new shares, such aggregate increase to be of such amount and to be divided into shares of such respective amounts, as the company in general meeting directs, or, if no direction is given, as the directors think expedient.

27. Subject to any direction to the contrary that may be given by the meeting that sanctions the increase of capital, all new shares shall be offered to the members in proportion to the existing shares held by them; and such offer shall be made by notices specifying the number of shares to which the member is entitled, and limiting a time within which the offer, if not accepted will be deemed to be declined; and after the expiration of such time, or on the receipt of an intimation from the member to whom such notice is given that he declines to accept the shares offered, the directors may dispose of the same in such manner as they think most beneficial to the company.

28. Any capital raised by the creation of new shares shall be considered as part of the original capital, and shall be subject to

the same provisions with reference to the payment of calls and the forfeiture of shares on non-payment of calls, or otherwise, as if it had been part of the original capital.

General meetings.

29. The first general meeting shall be held at such time, not being more than four months after the registration of the company, and at such place, as the directors may determine.

30. Subsequent general meetings shall be held at such time and place as may be prescribed by the company in general meeting; and, if no other time or place, is prescribed, a general meeting shall be held on the first Monday in February in every year, at such place as may be determined by the directors.

31. The above-mentioned general meetings shall be called ordinary meetings; all other general meetings shall be called extraordinary.

32. The directors may whenever they think fit, and they shall, upon a requisition made in writing by not less than one-fourth in number of the members of the company convene an extraordinary general meeting.

33. Any requisition made by the members shall express the object of the meeting proposed to be called, and shall be left at the registered office of the company.

34. Upon the receipt of such requisition the directors shall forthwith proceed, to convene an extraordinary general meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists, or any other members amounting to the required number, may themselves convene an extraordinary general meeting.

Proceedings at general meetings.

35. Seven days' notice at least, specifying the place, the day, and the hour of meeting and, in case of special business, the general nature of such business, shall be given to the members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the company in general meeting; but the non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

36. All business shall be deemed special that is transacted at an extraordinary meeting and all that is transacted at an ordinary meeting, with the exception of sanctioning a dividend and the consideration of the accounts, the balance-sheet, and the ordinary report of the directors.

37. No business shall be transacted at any general meeting, except the declaration of a dividend, unless a quorum of members is present at the time when the meeting proceeds to business; and such quorum shall be ascertained as follows, that is to say, if the persons who have taken shares in the company at the time of the meeting do not exceed five in number, the quorum shall be three; if they exceed five there shall be added to the above quorum one for every five additional up to fifty, and one for every ten additional members after fifty, with this limitation that no quorum shall in any case exceed twenty.

38. If, within one hour from the time appointed for the meeting, a quorum is not present, the meeting shall, if convened upon the requisition of members, be dissolved; in any other case it shall stand adjourned to the same day in the following week, at

the same time and place; and if at such adjourned meeting a quorum is not present, it shall be adjourned *sine die*.

39. The chairman, if any, of the board of directors shall preside as chairman at every general meeting of the company.

40. If there is no such chairman, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the same, the members present shall choose some one of their number to be chairman.

41. The chairman may, with the consent of the meeting adjourn any meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

42. At any general meeting, unless a poll is demanded by at least three members, a declaration by the chairman that a resolution has been carried, and an entry to that effect in the book of proceedings of the company, shall be sufficient evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution.

43. If a poll is demanded by three or more members, it shall be taken in such manner as the chairman directs, and the result of such poll shall be deemed to be the resolution of the company in general meeting; and, in the case of an equality of votes at any general meeting, the chairman shall be entitled to a second or casting vote.

Votes of members.

44. Every member shall have one vote

for every share up to ten ; he shall have an additional vote for every five shares beyond the first ten shares up to one hundred, and an additional vote for every ten shares beyond the first hundred shares.

45. If any member is a lunatic or idiot, he may vote by his committee, curator bonis, or other legal curator.

46. If one or more persons are jointly entitled to a share or shares, the member whose name stands first in the register of members, as one of the holders of such share or shares, and no other, shall be entitled to vote in respect of the same.

47. No member shall be entitled to vote at any general meeting unless all calls due from him have been paid, and no member shall be entitled to vote in respect of any share that he has acquired by transfer at any meeting held after the expiration of three months from the registration of the company, unless he has been possessed of the share in respect of which he claims to vote for at least three months previously to the time of holding the meeting at which he proposes to vote.

48. Votes may be given either personally or by proxy.

49. The instrument appointing a proxy shall be in writing, under the hand of the appointor, or if such appointor is a corporation, under their common seal, and shall be attested by one or more witness or witnesses. No person shall be appointed a proxy who is not a member of the company.

50. The instrument appointing a proxy shall be deposited at the registered office of the company not less than seventy-two hours before the time of holding the meet-

ing at which the person named in such instrument proposes to vote; but no instrument appointing a proxy shall be valid after the expiration of twelve months from the date of its execution, unless it purports to appoint a proxy to act for the appointor during his absence from this island.

51. An instrument appointing a proxy shall be in the following form :—

Barbados

 Company, Limited.
 I, _____ of _____ in the said Island
 being a member of the _____ Company,
 Limited, and entitled to _____ vote
 [or _____ votes] hereby appoint
 _____ of _____ as my
 proxy, to vote for me and on my behalf at
 the ordinary [or extraordinary as the case
 may be] general meeting of the Company to
 be held on the _____ day of _____
 I _____, and at any adjournment thereof [or
 at any meeting of the company that may be
 held during my absence from the island.]
 Witness my hand this _____ day of _____ 1 _____.
 Signed by the said _____ in the presence
 of _____

Directors.

52. The number of the directors, and the names of the first directors shall be determined by the subscribers of the memorandum of association.

53. Until directors are appointed, the subscribers of the memorandum of association shall be deemed to be directors.

54. The future remuneration of the directors, and their remuneration for services performed previously to the first general meeting, shall be determined by the company in general meeting.

Powers of directors.

55. The business of the company shall be managed by the directors, who may pay all expenses incurred in getting up and registering the company, and may exercise all such powers of the company as are not by "The Companies Act, 1892" or by these articles required to be exercised by the company in general meeting, subject, nevertheless, to any regulation of these articles to the provisions of "The Companies Act, 1892" and to such regulations, being not inconsistent with the aforesaid regulations or provisions, as may be prescribed by the company in general meeting; but no regulation made by the company in general meeting shall invalidate any prior act of the directors which would have been valid if such regulation had not been made.

56. The continuing directors may act notwithstanding any vacancy in their body.

Disqualification of directors.

57. The office of director shall be vacated—

(1.) If he becomes bankrupt or insolvent :
or

(2.) If he is concerned in or participates in the profits of any contract with the company.

(3.) If he holds any other office or place of profit under the Company.

But the above rules shall be subject to the following exception:— That no director, shall vacate his office by reason of his being a member of any company which has entered into contracts with, or done any work for, the company of which he is director: Provided, nevertheless, that he shall not vote in respect of such contract

or work ; and, if he does so vote, his vote shall not be counted.

Rotation of directors.

58. At the first ordinary meeting after the registration of the company, the whole of the directors shall retire from office : and at the first ordinary meeting in every subsequent year, one-third of the directors for the time being, or, if their number is not a multiple of three, then the nearest number to one-third, shall retire from office.

59. The one-third or other nearest number to retire during the first and second years ensuing the first ordinary meeting of the company shall, unless the directors agree amongst themselves, be determined by ballot ; in every subsequent year the one-third or other nearest number who have been longest in office shall retire.

60. A retiring director shall be re-eligible.

61. The company, at the general meeting at which any directors retire in manner aforesaid, shall fill up the vacated offices by electing a like number of persons.

62. If, at any meeting at which an election of directors ought to take place, the places of the vacating directors are not filled up, the meeting shall stand adjourned till the same day in the next week, at the same time and place ; and if, at such adjourned meeting, the places of the vacating directors, are not filled up, the vacating directors, or such of them as have not had their places filled up shall continue in office until the ordinary meeting in the next year, and so on from time to time until their places are filled up.

63. The company may from time to time,

in general meeting, increase or reduce the number of directors, and may also determine in what rotation such increased or reduced number is to go out of office.

64. Any casual vacancy occurring in the board of directors may be filled up by the directors; but any person so chosen shall retain his office so long only as the vacating director would have retained the same if no vacancy had occurred.

65. The company, in general meeting may, by a special resolution, remove any director before the expiration of his period of office, and may by an ordinary resolution appoint another person in his stead. The person so appointed shall hold office during such time only as the director in whose place he is appointed would have held the same if he had not been removed.

Proceedings of directors.

66. The directors may meet together for the despatch of business, adjourn, and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes, the chairman shall have a second or casting vote. A director may at any time summon a meeting of the directors.

67. The directors may elect a chairman of their meetings, and determine the period for which he is to hold office: but if no such chairman is elected, or if, at any meeting, the chairman is not present at the time appointed for holding the same, the directors present shall choose some one of their number to be chairman of such meeting.

68. The directors may delegate any of their powers to committees, consisting of such member or members of their body as they think fit. Any committee, so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on them by the directors.

69. A committee may elect a chairman of their meetings. If no such chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting.

70. A committee may meet and adjourn as they think proper. Questions arising at any meeting shall be determined by a majority of votes of the members present. In case of an equality of votes, the chairman shall have a second or casting vote.

71. All acts done by any meeting of the directors or a committee of directors, or by any person acting as a director, shall notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such directors or person acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

Dividends.

72. The directors may, with the sanction of the company in general meeting, declare a dividend to be paid to the members in proportion to their shares.

73. No dividend shall be payable except out of the profits arising from the business of the company.

74. The directors may, before recommending any dividend, set aside out of the profits

of the company such sum as they think proper as a reserved fund to meet contingencies, or for equalizing dividends, or for repairing or maintaining the works connected with the business of the company, or any part thereof; and the directors may invest the sum so set apart as a reserve fund upon such securities as they may elect.

75. The directors may deduct from the dividends payable to any member all such sums of money as may be due from him to the company on account of calls or otherwise.

76. Notice of any dividend that may have been declared shall be given to each member in manner hereinafter mentioned: and all dividends unclaimed for three years after having been declared may be forfeited by the directors for the benefit of the company.

77. No dividend shall bear interest as against the company.

Accounts.

78. The directors shall cause true accounts to be kept.

(1.) Of the stock-in-trade of the company;

(2.) Of the sums of money received and expended by the company, and the matter in respect of which such receipt and expenditure takes place; and

(3.) Of the credits and liabilities of the company.

The books of accounts shall be kept at the registered office of the company, and subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed by the company in general meeting, shall be open to the inspection of the members during the hours of business.

79. Once at the least in every year, the directors shall lay before the company in general meeting a statement of the income and expenditure for the past year, made up to a date not more than three months before such meeting.

80. The statement so made shall show arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, and the amount of gross expenditure, distinguishing the expense of the establishment, salaries and other like matters. Every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting; and in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year, the whole amount of such item shall be stated, with the addition of the reasons why only a portion of such expenditure is charged against the income of the year.

81. A balance sheet shall be made out in every year, and laid before the company in general meeting, and such balance sheet shall contain a summary of the property and liabilities of the company, arranged under the heads appearing in the form annexed to this Table, or as near thereto as circumstances admit.

82. A printed copy of such balance sheet shall, seven days previously to such meeting, be served on every member in the manner in which notices are hereinafter directed to be served.

Audit.

83. Once at the least in every year, the

accounts of the company shall be examined and the correctness of the balance sheet ascertained by one or more auditor or auditors.

84. The first auditors shall be appointed by the directors. Subsequent auditors shall be appointed by the company in general meeting.

85. If one auditor only is appointed, all the provisions herein contained relating to auditors shall apply to him.

86. The auditors may be members of the company, but no person is eligible as an auditor who is interested, otherwise than as a member, in any transaction of the company: and no director or other officer of the company is eligible during his continuance in office.

87. The election of auditors shall be made by the company at their ordinary meeting in each year.

88. The remuneration of the first auditors shall be fixed by the directors; that of subsequent auditors shall be fixed by the company in general meeting.

89. Any auditor shall be re-eligible on his quitting office.

90. If any casual vacancy occurs in the office of any auditor appointed by the company, the directors shall forthwith call an extraordinary general meeting for the purpose of supplying the same.

91. If no election of auditors is made in manner aforesaid, the Governor may, on the application of not less than five members of the company, appoint an auditor for the current year, and fix the remuneration to be paid to him by the company for his services.

92. Every auditor shall be supplied with a copy of the balance sheet, and it shall be

£ s. d.

5. For registration of any increase of the number of members made after the registration of the company, in respect of every 50 members, or less than 50 members of such increase... 0 5 0
 Provided that no one company shall be liable to pay on the whole a greater fee than twenty pounds in respect of its number of members taking into account the fee paid on the first registration of the Company.
6. For registering any document hereby required or authorized to be registered, other than the memorandum of association... 0 5 0
7. For making a record of any fact hereby authorised or required to be recorded by the Registrar..... 0 5 0

FORM D.

FORM OF STATEMENT REFERRED TO IN

PART III.

* The Capital of the Company is £
 divided into shares of £ each

The number of shares issued is
 calls to the amount of £ per share
 have been made, under which the sum of
 £ has been received

The liabilities of the company on the 1st
 day of 1 , were--

Debts owing to sundry persons by the company:

On judgment £
 On Specialty £
 On bills or notes, £
 On simple contracts, £
 On estimated liabilities £

The assets of the company on that day were—

Government Securities [*stating them*] £
 Bills of exchange and promissory notes £
 Cash at the bankers, £
 Other securities, £

** If the company has no capital divided into shares, the portion of the statement relating to capital and shares must be omitted.*

THE SECOND SCHEDULE. FORMS.

FORM 1

MEMORANDUM OF ASSOCIATION OF A COMPANY LIMITED BY SHARES.

- 1st. The name of the company is "The Company, Limited."
- 2nd. The registered office of the company will be situate in
- 3rd. The objects for which the company is established are
- 4th. The liability of the members is limited
- 5th. The capital of the company is £
 , divided into shares of £
 each

We the several persons whose names and addresses are subscribed, are desirous of being formed into a company, in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the company set opposite our respective names.

PROPERTY AND ASSETS.

Cr.

	£	s.	d.	£	s.	d.
ving :						
able property, distinguishing—						
Freehold land.						
Freehold Buildings.						
Leasehold buildings.						
le property, distinguishing --						
Stock in trade.						
Plant.						
he cost to be stated with deduc-						
tions for deterioration in value						
as charged to the reserve fund						
or profit and loss.						
ving :						
onsidered good for which the						
hy holds Bills or other securities.						
onsidered good for which the						
hy holds no security.						
onsidered doubtful and bad.						
debt due from a director or other						
licer of the company to be sep-						
arately stated.						
ving :						
ure of Investment and rate of						
it.						
ount of cash, where lodged, and						
ing interest.						

TABLE B.

TABLE OF FEES TO BE PAID TO THE REGISTRAR OF JOINT STOCK COMPANIES BY A COMPANY HAVING A CAPITAL DIVIDED INTO SHARES.

- | | £ | s. | d. |
|---|---|----|----|
| 1. For registration of a company whose nominal capital does not exceed £2,000..... | 2 | 0 | 0 |
| 2. For registration of a company whose nominal capital exceeds £2000 the above fee of £2, with the following additional fees, regulated according to the amount of nominal capital, that is to say— | | | |
| (a) For every additional £1,000 of nominal capital up to £10,000 | 1 | 0 | 0 |
| (b) For every additional £1,000 | 0 | 5 | 0 |
| 3. For registration of any increase of capital made after the first registration of the company, the same fees per £1,000, or part of £1,000, as would have been payable if such increased capital had formed part of the original capital at the time of registration; provided that no company shall be liable to pay in respect of nominal capital on registration or afterwards any greater amount of fees than fifty pounds taking into account in the case of fees payable on an increase of capital after registration, the fees paid on registration. | | | |
| 4. For registering any document hereby required or authorized to | | | |

	£	s.	d.
be registered, other than the memorandum of association...	0	5	0
5. For making a record of any fact hereby authorised or required to be recorded by the Registrar.....	0	5	0

TABLE C

TABLE OF FEES TO BE PAID TO THE REGISTRAR OF JOINT STOCK COMPANIES BY A COMPANY NOT HAVING A CAPITAL DIVIDED INTO SHARES.

	£	s.	d.
1. For registration of a company whose number of members, as stated in the articles of association, does not exceed 20.....	2	0	0
2. For registration of a company whose number of members, as stated in the articles of association, exceeds 20, but does not exceed 100.....	5	0	0
3. For registration of a company whose number of members, as stated in the articles of association, exceeds 100, but is not stated to be unlimited, the above fee of £5, with an additional £1 for every 50 members, or less number than 50 members, after the first 100.....			
4. For registration of a company in which the number of members is stated in the articles of association to be unlimited.....	10	0	0

his duty to examine the same, with the accounts and vouchers relating thereto.

93. Every auditor shall have a list delivered to him of all books kept by the company, and shall at all reasonable times have access to the books and accounts of the company. He may at the expense of the company, employ accountants or other persons to assist him in investigating such accounts, and he may, in relation to such accounts, examine the directors or any officer of the company.

94. The auditors shall make a report to the members upon the balance sheet and accounts; and in every such report they shall state whether, in their opinion, the balance sheet is a full and fair balance sheet, containing the particulars required by these regulations, and properly drawn up so as to exhibit a true and correct view of the state of the company's affairs, and in case they have called for explanations or information from the directors, whether such explanations or information, have been given by the directors, and whether they have been satisfactory; and such report shall be read together with the report of the directors at the ordinary meeting.

Notices.

95. A notice may be served by the company upon any member either personally, or by leaving the same either at his registered place of abode or place of business in the town where the company's principal office, is situate, or by sending it, by post or otherwise, addressed, to him at his registered place of abode when elsewhere than in such town.

96. All notices directed to be given to the members shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is named first in the register of members ; and notice so given shall be sufficient notice to all the holders of such share.

97. Any notice, if served by post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post ; and, in proving such service, it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the Post Office.

Names, addresses, and description of Subscribers.	Number of Shares taken by each Sub.
1. John Jones, of B'town Merchant	200
2. John Smith, of Xt. Ch. Planter	25
3. Thomas Green, of Holetown. Shopkeeper.....	30
4. John Thompson, of B'town law- yer's Clerk.....	40
5. Caleb White, of St. Johns, Cat- tle Breeder.....	15
6. Cæsar Roberts, of St. Michael Schoolmaster.....	10
7. Andrew Brown, of Speigh'town Fisherman.....	5
Total Shares taken...	325

Dated the day of 1

Witness to the above signature :

[Signed,]

A. B. [Add Address]

FORM 2.

**MEMORANDUM AND ARTICLES OF ASSOCIA-
TION OF A COMPANY LIMITED BY GUA-
RANTEE, AND NOT HAVING A CAP-
ITAL DIVIDED INTO SHARES.**

Memorandum of Association.

- 1st. The name of the Company is "The
Limited."
- 2nd. The registered office of the company
will be situate in
- 3rd. The objects for which the company

W—5.

is established are "[e.g. the mutual insurance of ships belonging to members of the company, and the doing all such other things as are incidental or conducive to the attainment of the above objects."

- 4th. Every member of the company undertakes to contribute to the assets of Company, in the event of the same being wound-up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the company contracted before the time at which he ceases to be a member, and the costs, charges, and expenses of winding-up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding £10.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a company in pursuance of this memorandum of association.

Names, addresses, and description of
Subscribers.

1. John Brown, of Bridgetown, Merchant
2. John Smith, of
3. Thomas William Gordon, of
4. Francis Williams, of
5. Robert Jones, of
6. Richard Robinson, of
7. James William Armstrong, of

Dated the day of 1 .

Witness to the above signatures :

(Signed.)

A. B. [Add address.]

Articles of Association to accompany preceding Memorandum of Association.

1. The company, for the purpose of registration, is declared to consist of ---members.

2. The directors hereinafter mentioned may, whenever the business of the association requires it, register an increase of members.

Definition of member.

3. Every person shall be deemed to have agreed to become a member of the company who [e.g. insures any ship, or share in a ship, in pursuance of the regulations hereinafter contained.]

General meetings.

4. The first general meeting shall be held at such time, not being more than three months after the incorporation of the company, and at such place, as the directors may determine.

5. Subsequent general meetings shall be held at such time and place as may be prescribed by the company in general meeting, and, if no other time or place is prescribed, a general meeting shall be held on the first Monday, in February in every year, at such place as may be determined by the directors.

6. The above mentioned general meetings shall be called ordinary meetings ; all other general meetings shall be called extraordinary.

7. The directors may, whenever they think fit, and they shall, upon a requisition made in writing by any three or more mem-

bers, convene an extraordinary general meeting.

8. Any requisition made by the members shall express the object of the meeting proposed to be called, and shall be left at the registered office of the company.

9. Upon the receipt of such requisition, the directors shall forthwith proceed to convene a general meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists, or any other three members, may themselves convene a meeting.

Proceedings at general meetings.

10. Seven days' notice at the least, specifying the place, the day, and the hour of meeting, and, in case of special business, the general nature of such business, shall be given to the members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the company in general meeting; but the non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

11. All business shall be deemed special that is transacted at an extraordinary meeting, and all that is transacted at an ordinary meeting, with the exception of the consideration of the accounts, the balance sheet and the ordinary report of the directors.

12. No business shall be transacted at any meeting, except the declaration of a dividend, unless a quorum of members is present at the commencement of such business; and such quorum shall be ascertained

as follows, that is to say, if the members of the company, at the time of the meeting, do not exceed five in number, the quorum shall be three; if they exceed five, there shall be added to the above quorum one for every five additional members up to fifty, and one for every ten additional members after fifty, with this limitation, that no quorum shall in any case exceed thirty.

13. If, within one hour from the time appointed for the meeting, a quorum of members is not present, the meeting shall, if convened upon the requisition of the members be dissolved; in any other case it shall stand adjourned to the same day in the following week, at the same time and place and if, at such adjourned meeting, a quorum of members is not present, it shall be adjourned *sine die*.

14. The chairman, if any, of the directors shall preside as chairman at every general meeting of the company.

15. If there is no such chairman, or if at any meeting he is not present at the time of holding the same, the members present shall choose some one of their number to be chairman of such meeting.

16. The chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

17. At any general meeting, unless a poll is demanded by at least three members, a declaration by the chairman that a resolu-

tion, has been carried, and an entry to that effect in the book of proceedings of the company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution.

18. If a poll is demanded in manner aforesaid, the same shall be taken in such manner as the chairman directs, and the results of such poll shall be deemed to be the resolution of the company in general meeting.

Votes of members.

19. Every member shall have one vote and no more.

20. If any member is a lunatic or idiot, he may vote by his committee, curator bonis, or other legal curator.

21. No member shall be entitled to vote at any meeting unless all moneys due from him to the company have been paid.

22. Votes may be given either personally or by proxy. A proxy shall be appointed in writing under the hand of the appointor, or, if such appointor is a corporation, under its common seal.

23. No person shall be appointed a proxy who is not a member; and the instrument appointing him shall be deposited at the registered office of the company not less than forty-eight hours before the time of holding the meeting at which he proposes to vote.

24. An instrument appointing a proxy shall be in the following form :—

BARBADOS

Company Limited.

I, _____ of _____ in the said
Island, being a member of the _____ com-
pany, Limited, hereby appoint
of _____ as my proxy, to vote for me
and on my behalf at the ordinary [*or extra-
ordinary, as the case may be*] general meet-
ing of the company to be held on the
day of _____ 1, and at any adjournment
thereof to be held on the _____ day of
_____ 1, [*or at any meeting of the com-
pany that may be held in the year* _____].

Witness my hand this _____ day of

1
Signed by the said _____ in the
presence of _____

Directors.

25. The number of the directors and the names of the first directors shall be determined by the subscribers of the memorandum of association.

26. Until directors are appointed, the subscribers of the memorandum of association, shall, for all the purposes of the companies Act, be deemed to be directors.

Powers of directors.

27. The business of the company shall be managed by the directors, who may exercise all such powers of the company as are not hereby required to be exercised by the company in general meeting; but no regulation made by the company in general meeting

shall invalidate any prior act of the directors which would have been valid if such regulation had not been made.

Election of directors.

28. The directors shall be elected annually by the company in general meeting.

Business of company.

[Here insert rules as to mode in which business (e.g. that of insurance) is to be conducted.]

Accounts.

29. The accounts of the company shall be audited by a committee of two members, to be called the audit committee.

30. The first audit committee shall be nominated by the directors out of the body of members.

31. Subsequent audit committees shall be nominated by the members at the ordinary general meeting in each year.

32. The audit committee shall be supplied with a copy of the balance sheet, and it shall be their duty to examine the same, with the accounts and vouchers relating thereto.

33. The audit committee shall have a list delivered to them of all books kept by the company, and they shall at all reasonable times have access to the books and accounts of the company. They may, at the expense of the company, employ accountants or other persons to assist them in investigating such accounts, and they may in relation to such accounts, examine the directors or any other officer of the company.

34. The audit committee shall make a report to the members upon the balance

sheet and accounts, and in every such report they shall state whether, in their opinion, the balance sheet is a full and fair balance sheet, containing the particulars required by these regulations of the company, and properly drawn up, so as to exhibit a true and correct view of the state of the company's affairs, and, in case they have called for explanations or information from the directors, whether such explanations or information have been given by the directors, and whether they have been satisfactory; and such report shall be read together with the report of the directors at the ordinary meeting.

Notices.

35. A notice may be served by the company upon any member either personally, or by leaving the same at his registered place of business in the town where the company's principal office is situate, or by sending it, by post or otherwise, addressed to him at his registered place of abode when elsewhere than in such town.

36. Any notice, if served by post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post, and in proving such service, it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the Post Office.

Winding-up.

37. The company shall be wound-up voluntarily whenever an extraordinary resolution, as defined by "The Companies Act.

1892" is passed, requiring the company to be wound up voluntarily.

Names, addresses and descriptions of Subscribers.

1. John Brown, of Bridgetown. Merchant.
2. John Smith of
3. Thomas William Gordon, of
4. Francis Williams of
5. Robert Jones of
6. Richard Robinson, of
7. James William Armstrong, of

Dated the day of 1.

Witness to the above signatures :

[Signed]

A. B. [*Add address*]

FORM 3.

MEMORANDUM AND ARTICLES OF ASSOCIATION OF A COMPANY LIMITED BY GUARANTEE, AND HAVING A CAPITAL DIVIDED INTO SHARES.

Memorandum of Association.

- 1st. The name of the company is "The Company, Limited."
- 2nd. The registered office of the company will be situate in

3rd. The objects for which the company is established are

4th. Every member of the company undertakes to contribute to the assets of the company, in the event of the same being wound-up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the company contracted before the time at which he ceases to be a member and the costs, charges, and expenses of winding-up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required, not exceeding £20.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a company, in pursuance of this memorandum of association.

Names, addresses and descriptions of Subscribers.

1. John Richard Lewis of B'town, Merchant
2. Thomas Drake, of
3. Benjamin Brown, of
4. William Adams of
5. Stephen Malcolm, of
6. James Blades, of
7. Thomas William Humphrey, of

Dated the day of 1.

Witness to the above signatures:

(Signed)

A B. [*Add Address*]

Articles of Association to accompany preceding Memorandum of Association.

1. The capital of the company shall consist of £ divided into shares of £ each.

2. The directors may, with the sanction of the company in general meeting, reduce the amount of shares.

3. The directors may, with the sanction of the Company in general meeting, cancel any shares belonging to the company.

4. All the articles of Table A, in the First Schedule of "The Companies Act 1892" shall be deemed to be incorporated with these articles, and to apply to the company.

We the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the company set opposite to our respective names.

Names, addresses, and descriptions of Subscribers.	Number of shares taken by each Sub.
1. John Richard Lewis, of B'town Merchant	200
2. Thomas Drake, of	25
3. Benjamin Brown of,	30
4. William Adams. of... ..	40
5. Stephen Malcolm, of..	15
6. James Blades, of	5
7. Thomas William Humphrey, of	10
Total shares taken... ..	325

Dated the day of 1 .

Witness to the above signatures:

(Signed.)

A.B. [Add Address.]

FORM 4.

MEMORANDUM AND ARTICLES OF ASSOCIATION OF AN UNLIMITED COMPANY, HAVING A CAPITAL DIVIDED INTO SHARES

Memorandum of Association.

- 1st. The name of the company is "The Company."
- 2nd. The registered office of the company will be situate in
- 3rd. The objects for which the company is established are

We, the several persons whose names are subscribed, are desirous of being formed into a company, in pursuance of this memorandum of association.

Names, addresses and descriptions of Subscribers.

1. Richard James Owen of Merchant
2. James Alfred Smith, of
3. Robert Brown, of
4. Abraham Embling, of
5. Edward Jennings, of
6. John Courtney, of
7. Alexander Gray, of

Dated the day of 1

Witness to the above signatures :

(Signed.)

A. B. [Add address.]

Articles of Association to accompany the preceding Memorandum of Association.

1. The capital of the company is £
divided into shares of £ each

2. All the articles of Table A in the First Schedule of "The Companies Act 1892" shall be deemed to be incorporated with these articles, and to apply to the Company.

We the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, addresses, and descriptions of shares of Subscribers.	Number taken by each Sub.
1. Richard James Owen, of Merchant	200
2. James Alfred Smith, of...	25
3. Robert Brown, of ...	30
4. Abraham Embling, of ...	40
5. Edward Jennings, of ...	15
6. John Courtney, of... ..	5
7. Alexander Gray, of... ..	10
Total shares taken... ..	325

Dated the day of 1

Witness to the above signatures :

(Signed.)

A. B. [*Add Address*]

FORM 5.

SUMMARY AND LIST REQUIRED BY PART II

Summary of capital and shares of the
Company made up to the
day of 1

Nominal capital £ divided into
shares of £ each.

Number of shares taken up to the
 day of 1
 There has been called up on each share £
 Total amount of calls received, £
 Total amount of calls unpaid, £
 Total amount of shares or stock for which
 share warrants are outstanding £
 Total amount of share warrants issued and
 surrendered since the date of last
 summary, and number of shares and
 amount of stock comprised in each. £
 List of persons holding shares in the
 1 Company on the day of
 , and of persons who have held shares
 therein at any time during the year imme-
 diately preceding the said day of
 1 , showing their names and
 addresses, and an account of the shares so
 held.

Folio in Register Ledger containing particulars.	NAMES ADDRESSES & OCCU- PATION.				ACCOUNT OF SHARES.				REMARKS.
	Surname.	Christian Name	Address.	Occupation	Shares held by existing members on the day of 1	Additional shares held by existing members during preceding year.		Shares held by persons no longer mem- bers.	
						Number	Date of transfer.		

(Assented to 26th January 1892.)

BARBADOS.

An Act to establish a bankruptcy law.

BE it enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows;

1. This Act may be cited as "The Bankruptcy Act, 1892" Short title.

2. In this Act unless the context otherwise requires, Interpretation of terms.

"The Court" means the Court of Common Pleas of this Island and includes the Chief Justice sitting in Chambers in matters of bankruptcy,

"The Official Assignee" means the officer appointed to that office as hereinafter mentioned or any person appointed to act for him;

"Creditor" includes any two or more persons to whom a debt is owing jointly and also any incorporated joint stock company;

"Gazetted" means published in the Official or Government Gazette and "Gazette" means the Official or Government Gazette;

"Person" includes a body corporate and a firm;

"Bankruptcy Petition" or "Petition" means a petition praying that the affairs of the debtor may be wound up and his property administered under the provisions of this Act;

"Property" means and includes money, or securities for money, goods, choses in

action, land and every description of property, real or personal also obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined ;

“Registrar of Deeds” means the Colonial Secretary of this Island, and “Registrar’s Office” in the sense of the office for the registration of deeds means the Colonial Secretary’s Office of this Island ;

“Registrar” means the Prothonotary of the Court of Common Pleas of this Island ;

“Secured Creditor” means any person holding a mortgage, judgment, or other charge or lien upon the property of the debtor as security for a debt due to him from such debtor ;

“Prescribed” means prescribed by rules of Court ;

“Rules of Court” means such rules and orders of court in relation to bankruptcy proceedings as may be made pursuant to this Act including forms.

The Official Assignee.

Appointment of
Official Assignee.

3. (1) The Governor may from time to time appoint some fit and proper person to be the Official Assignee for the purposes of this Act.

(2.) No proceedings pending on a change of the person discharging the duties of the office of Official Assignee shall be affected by such change but may be continued by and against the person for the time being discharging such duties without suggestion, revival, or other similar proceeding.

Bond to be entered into by him.

4. Before assuming the duties of his office the Official Assignee shall enter into bond in

favour of Her Majesty her heirs and successors himself in one thousand pounds and two sufficient securities in five hundred pounds each for the true and faithful performance of his duties and for the due accounting for and paying over of all property which shall come into his possession. The bond shall be lodged and kept in the office of the Colonial Secretary; and the Governor may from time to time increase the amount of the security to be given by both the Official Assignee and his securities to whatever sums he shall think fit.

5. The Official Assignee shall be personally responsible for the honesty and fidelity of every clerk, servant or other person whom he may deem it necessary to employ in the execution of the duties of his office.

Responsible for
his clerks &c.

6. (1) The Official Assignee shall be entitled to a commission of five per centum of the gross sums of money which shall come into his hands in respect of real and personal estate including secured and unsecured debts, save and except where in any case from any special trouble in getting in or collecting any sum of money, or from any other cause, the court may see fit to allow the Official Assignee any higher commission not exceeding ten per cent on any sum of money got in or collected. The Official Assignee shall retain such commission for his own use.

Remuneration of
Official Assignee.

(2) Such remuneration shall be for the time, work, and responsibility of the Official Assignee in the general administration of the estate, and the Official Assignee shall himself pay all his clerks' salaries and all his expenses for books and stationery and the office rent of any office not in the public

buildings occupied by him, and the estate shall not be subject to any other charge in respect thereof.

(3) The Official Assignee shall be entitled to recover as a first charge on every estate or the proceeds thereof, all auctioneers' fees and charges and any expenses other than those above mentioned paid by him in and about the realization of any estate.

Office and office
hours.

7. The Official Assignee shall have his office in the City of Bridgetown, and he shall be in attendance thereat by himself or deputy between the hours of ten and four o'clock daily, on such days as the other public offices of the Island are open to the public.

Leave of absence
and appointment of
an acting Official
Assignee.

8. Whenever the Official Assignee shall have obtained leave of absence from the performance of the duties of the said office, and some person shall have been appointed to perform the same, either by the Governor or by the Official Assignee with the approval of the Governor, the person so appointed shall be termed the acting Official Assignee, and shall have all the rights, powers, and authority, and perform all the duties appertaining to the said office of Official Assignee of this Island, in the same manner and as fully and amply and effectually, as if he were the Official Assignee, and during such acting appointment, but not longer, all the property of the bankrupt whether present or in expectancy vested in the Official Assignee, shall without any conveyance or assignment whatsoever become and be vested in the acting Official Assignee for the benefit of all and every the creditors

of such bankrupt to be held and disposed of for the purpose and according to the true intent of this Act; and on such acting appointment terminating, all such property of the bankrupt as aforesaid shall forthwith, without any conveyance or assignment whatever, revert in the Official Assignee.

9. Such acting Official Assignee shall give bond with two sureties to Her Majesty the Queen her heirs and successors himself in the sum of one thousand pounds and two sufficient securities in the sum of five hundred pounds each for the faithful and due discharge of the duties of his office as in the case of the Official Assignee himself, and the bond shall be taken and entered up as in the case of the Official Assignee's bond.

Bond to be given
by acting Official
Assignee

*Proceedings by bankruptcy petition,
Presentation of petition.*

10. A single creditor or two or more creditors, if the debt owing to such single creditor or the aggregate amount of debts owing to such several creditors from any debtor amounts to a sum of not less than fifty pounds may present a bankruptcy petition to the Court against a debtor alleging as the grounds of the petition any one or more of the following acts or defaults in this Act deemed to be and included under the expression "acts of bankruptcy;"

Who may be peti-
tioning creditors
and what are acts
of bankruptcy.

(1.) that the debtor has in this island or elsewhere made a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally, or has executed any other instrument whereby his property is made available for general distribution amongst his creditors;

(2.) that the debtor has in this island or

elsewhere made a fraudulent conveyance, gift, delivery, or transfer of his property, or any part thereof, or permitted a judgment to be entered up against him for a debt not due or for any one or more debts in preference to others or procured his property to be attached or taken in execution.

(3.) that the debtor has with intent to defeat or delay his creditors done any of the following things, namely—has departed out of this Island ; or being out of this Island has remained out of this Island ; or has departed from his dwelling house or otherwise absented himself ; or has begun to keep his house ; or has begun to sell his stock-in-trade at an undervalue ;

(4) that the debtor has by any act declared himself unable to meet his engagements ;

(5) that the debtor has presented a bankruptcy petition against himself ;

(6.) that execution issued in this island against the debtor, or any legal process for the obtaining payment of any sum of money has been levied by seizure and sale of his goods, or enforced by delivery of his goods ;

(7) that the creditor presenting the petition has obtained final judgment against the debtor in an action in the Court for a sum of not less than fifty pounds and, execution, thereon not having been stayed, has served on the debtor in this island a bankruptcy notice in writing requiring him to pay the amount for which such judgment has been obtained, in accordance with the terms of the judgment, and the debtor has not, after the service of such notice, paid such amount or secured or compounded for the same to the satisfaction of the creditor ;

(8) that the creditor presenting the petition having a demand against the debtor of not less than fifty pounds upon a negotiable security for money upon which the debtor was primarily liable upon which payment was overdue, has served on the debtor in this island a bankruptcy notice in writing requiring him to pay the amount of such debt and that the debtor has not, after the service of such notice paid such amount or secured or compounded for the same to the satisfaction of the creditor ;

(9) that the debtor has paid money to or given or delivered any satisfaction or security for the debt of a petitioning creditor or any part thereof after such creditor has presented a bankruptcy petition against him; provided, in the case of any of the above mentioned Acts of bankruptcy,

(a) that the alleged act of bankruptcy must have occurred within six months before the presentation of the petition ; and

(b) that the debt of the petitioning creditor must be a liquidated sum due or growing due at law or in equity and must not be a secured debt unless the petitioner states in his petition that he will be ready to give up such security for the benefit of the creditors in the event of an order being made, or unless the petitioner gives an estimate of the value of the security, in which latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him after deducting the value so estimated, but he shall on an application being made in the course of the proceedings within the prescribed time by any person interested give up his security to be dealt with as

part of the property of the debtor for the benefit of the creditors upon payment of such estimated value.

Who may be adjudged bankrupt.

11. Any debtor, whether trader or not, against whom proceedings can be legally taken in this island for the recovery of a debt shall be liable to be adjudged a bankrupt in the manner in this Act provided.

Debtors petition against himself.

12. A debtor may present a bankruptcy petition against himself, and such petition shall allege that he is unable to pay his debts and shall be verified on oath by him.

Verification of allegations of petition.

Affidavit verifying creditors' petition.

13. Every petition presented by a creditor shall be accompanied by an affidavit of the petitioner verifying the statements contained in such petition.

Statements to accompany debtor's petition

14. Every petition presented by a debtor shall be accompanied by a statement of the debtor's property and of his debts and liabilities and of his creditors and of the value and dates of the securities held by them and of the dates when such securities were actually given together with a general statement of the profits, losses, and expenses of any business in which he may have been engaged during the twelve months preceding the presentation of the petition, and a memorandum explanatory of the causes of his insolvency.

Parties to proceedings under petition.

Company may proceed by agent.

15. A company or other body incorporated or authorized to sue may present a petition and act in any proceedings thereon by an agent duly authorised on its behalf

Mode of naming firm.

16. Any two or more persons being partners may take proceedings or be proceeded

against under this Act in the name of their firm but in such case the Court may on the application of any person interested order the names of the persons who are partners in such firm to be disclosed in such manner and verified on oath or otherwise as the Court may direct.

17. An order under this Act shall not be made against any partnership, association or company incorporated or registered under "The Industrial and Provident Societies Act, 1888," "The Building Societies Act, 1889," "The Friendly Societies Act, 1891," or "The Joint Stock Companies Act, 1892." Special provision as to certain companies &c.

Consolidation &c. of proceedings under petition

18.—(1) When a petition is presented against a member of a partnership whilst bankruptcy proceedings are pending on a petition against another member of the same partnership the Court may give such directions for consolidating the proceedings under the petitions as it thinks just. Consolidation of petitions.

(2) Where two or more bankruptcy petitions are presented against the same debtor or against joint debtors the Court may consolidate the proceedings or any of them upon such terms as the Court thinks fit.

19. The Court may at any time for such cause as it thinks sufficient make an order staying proceedings under a petition either altogether or for a limited time on such terms and subject to such conditions as the Court thinks just. Staying proceedings.

20. The Court may adjourn any petition either conditionally or unconditionally for the procurement of further evidence or for any other just cause or may dismiss the Adjourning and dismissing petition.

petition with or without costs as it thinks just.

Substitution of another petitioner in case of delay.

21. When a petitioner does not proceed with due diligence on his petition the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act in the case of a petitioning creditor.

Continuation of proceedings on debtor's death.

22. When a debtor by whom a petition has been presented dies, the proceedings shall be continued as if he were alive.

Proceedings under petition for bankruptcy.

Order of bankruptcy.

23. The Court on being satisfied that such debtor ought to be adjudicated a bankrupt shall make an order of bankruptcy against him accordingly.

Adjudication to be gazetted and court to hold a public sitting for debtor's examination.

24. (1.) When an order for bankruptcy has been made against a debtor, the Court shall direct the adjudication to be gazetted and shall hold a public sitting on a day to be named for the purpose of examining into the affairs of the bankrupt, and the bankrupt shall attend at such sitting and shall submit himself to examination as to his conduct, dealings, and property; and the Official Assignee shall attend such sitting and submit for the information of the Court a statement of the affairs of the bankrupt with any observations he may choose to make thereon.

(2.) The sitting may be adjourned as often as the Court thinks fit, and the bankrupt shall attend at each adjourned sitting.

(3.) The Court may at such sitting take such evidence as it thinks necessary and such evidence as may be tendered by the creditors, the Official Assignee, or the bankrupt or any of them.

(4.) For the purposes of the examination the Court may take evidence *vivâ você*, or by affidavit, or by interrogatories, or by commission as it thinks fit.

(5.) When the Court is satisfied that the bankrupt's affairs have been sufficiently investigated it may declare the examination finished.

25. If at any time after an order for bankruptcy has been made against a debtor it appears to the Court that the bankrupt having been engaged in any trading or other business has not kept and produced proper books of account, papers or vouchers, by means of which the Official Assignee may be able to obtain a correct knowledge of his affairs, the Court may if it thinks fit, order the bankrupt to be imprisoned for any period not exceeding twelve months unless good cause is shown to the Court why such books, papers and vouchers have not been kept and produced.

Penalty on omitting to keep or produce proper books.

26. If at any time before an order of discharge is granted to a bankrupt it appears to the Court that the bankrupt has incurred or contracted any debt by means of a breach of trust or without having had any reasonable or probable ground of expectation at the time when he incurred or contracted such debt, of being able to pay the same, or that he has lived extravagantly or beyond his proper means, the Court may, if it thinks fit, order the bankrupt to be imprisoned for any period not exceeding twelve months; provided that if in the opinion of the Court the conduct of the bankrupt has rendered him liable to punishment for a misdemeanour, the Court may direct the prosecution of the bankrupt for such mis-

Penalty for debts incurred by breach of trust recklessness or extravagance.

demeanour and cause the Official Assignee to prepare a statement of the case for the conduct of the prosecution.

Bankrupt's property to vest in the Official Assignee.

27. When an order for bankruptcy has been made against a debtor, the real and personal estate and effects present and in expectancy of every such debtor, shall without any conveyance or assignment whatever, thereupon become absolutely vested in the Official Assignee, who shall proceed to administer the bankrupt's estate for the benefit of the creditors subject to the provisions of this Act.

Discharge of bankrupt.

Granting of discharge.

Application for discharge.

28. When the public examination of the bankrupt is finished he may apply to the Court to grant him his discharge and the Court shall appoint a sitting for the purpose of considering and determining the question of granting such discharge.

Opposition to discharge.

29. Any creditor of the bankrupt may oppose his discharge and show cause why it should be refused or postponed or made subject to conditions.

Consideration of application and dealing with the same.

30. (1) The Court shall proceed to consider the conduct of the bankrupt before and after the making of the order and the manner and circumstances in and under which his debts have been contracted, and the Court may, if it thinks fit, grant the bankrupt an immediate order of discharge; but if the Court is of opinion that the bankrupt has done or is in default in any one or more of the following things, namely;

(a.) that he has carried on trade by means of fictitious capital;

(b.) that he could not have had at the time when any of his debts were contracted any reasonable or probable grounds of expectation of being able to pay the same ;

(c.) that he had contracted any of his debts fraudulently or by means of any breach of trust ;

(d.) that he has with intent to conceal the true state of his affairs, wilfully omitted to keep proper books of account ;

(e.) that his insolvency is attributable to rash and hazardous speculation or to unjustifiable extravagance in living ;

(f.) that he has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action to recover any debt or money due from him ;

(g.) that he is indebted for damages in any action for a malicious injury to the person or property of the plaintiff therein ; the Court may refuse an order of discharge or may suspend the same from taking effect for such time as it thinks fit.

(2.) When the Court grants an order it may impose such conditions under the provisions of the next succeeding section as appear to be just and reasonable under the circumstances.

31. When the Court grants an order of discharge it may grant it subject to any conditions touching any salary, pay emoluments, profits, wages, earnings or income which may afterwards become due to the bankrupt and touching after acquired property of the bankrupt, and it may order that the bankrupt shall thereafter pay to the Official Assignee for the benefit of the creditors under the bankruptcy such sum as may be stated in the order granting him his discharge. Conditions which may be annexed to discharge.

charge; but payment of such sum shall only be enforced against the bankrupt by leave of the Court and to such extent from time to time as the Court may approve, and if subsequently the debtor is adjudged bankrupt, the amount, if any, remaining unpaid under any such order for payment shall be postponed until the debts due to the creditors under such subsequent bankruptcy order shall have been fully paid or satisfied.

Effect of discharge.

Limitations of
effect of order of
discharge.

32. (1.) An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or breach of trust nor from any debt or liability whereof he has obtained forbearance by any fraud, but it shall release the bankrupt from all other debts provable under the bankruptcy with the exception of these

(a.) debts due to the Crown or to the Government of this island; and

(b.) debts with which the bankrupt stands charged at the suit of the Crown or of any public officer or any other person, for any offence against any law relating to any branch of the public revenue, or at the suit of any public officer, on a bail bond entered into for the appearance of any person prosecuted for any such offence; and he shall not be discharged from such excepted debts unless the Governor-in-Executive Committee certifies in writing his consent to his being discharged therefrom.

(2.) An order of discharge shall not release any person who at the date of the order of adjudication was a partner with the bankrupt or was jointly bound or had made any joint contract with him.

33. An order of discharge shall be sufficient evidence of the bankruptcy and of the validity of the proceedings thereon; and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by such order, the bankrupt may plead that the cause of action accrued before his discharge and may give this Act and the special matter in evidence. Pleading and evidence of order of discharge.

Administration of bankrupt's estate.

Duties and powers of Official Assignee.

Official Assignee to admit proof.

34. The Official Assignee shall under the control of the Court administer the bankrupt's estate for the benefit of the creditors subject to the provisions of this part of the Act. General principle of administration.

35. The Official Assignee shall as soon as possible after an adjudication of bankruptcy but subject to the direction of the court take possession of all property and all books, papers and documents of the bankrupt and exercise such of the powers conferred on him by this Act as may be necessary for the purpose of protecting the rights of the creditors. Taking possession of debtors' property.

36. The Official Assignee shall to the best of his power ascertain and recover all debts due to the bankrupt's estate. Recovery of debts due him.

37. The Official Assignee shall examine and verify the books, paper and vouchers relating to the bankrupt's estate. Examination of books &c.

38. The Official Assignee shall be and is hereby authorised to sue for and recover all debts owing to the insolvent estate not exceeding twenty pounds in the Bridgetown Petty Debt Court notwithstanding that the All debts not exceeding £20 recoverable in the Bridgetown Petty Debt Court.

cause of action may not have arisen within the jurisdiction of that court, and notwithstanding that the debtors may reside beyond that jurisdiction and so far as this provision is consistent with "The Petty Debt Act, 1890," the same is hereby repealed.

Power of sale of debtor's property. 39. The Official Assignee may sell all or any part of the property of the bankrupt including the goodwill of the business, (if any) and the debts growing due to the bankrupt by public auction, or tender, or private contract, and may transfer the whole thereof to any person or company, or sell the same in parcels, and accept as the consideration for such transfer or sale a sum to be paid or secured to be paid at such time not exceeding three months and in such manner as he thinks fit.

Power to bring or defend actions. 40. The Official Assignee may bring, institute, or defend any action or other legal proceeding relating to the property of the bankrupt.

Power to prove for debts and draw dividends. 41. The Official Assignee may prove for, rank, claim and draw dividend in respect of any debt due to the bankrupt.

Power to arbitrate or compromise claims. 42. (1.) The Official Assignee may refer any dispute to arbitration, compromise all debts, claims, and liabilities whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt, upon the receipt of such sums payable at such times and generally upon such terms as may be agreed upon.

(2.) He may make such compromise or other arrangement as may be thought expedient with creditors or persons claiming to be debtors in respect of any debts provable under the petition.

(3.) He may make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt made or capable of being made on the Official Assignee by any person or by the Official Assignee on any person.

43. The Official Assignee may exercise any powers and discretion the capacity to exercise which is vested in the Official Assignee under this Act and may execute any powers of attorney, deeds, and other instruments for the purpose of carrying into effect the provisions of this Act. Power to exercise discretion and execute deeds.

44. The Official Assignee may deal with any property to which the bankrupt is beneficially entitled as tenant in tail in the same manner as the debtor might have dealt with the same. Power to bar entails.

45. The Official Assignee shall receive and decide on the proof of all debts due from the bankrupt's estate. Proof of debts owing by bankrupt.

46. The Official Assignee shall be deemed an accounting party to the Court, and shall be under the control and subject to the directions of the Court. Control of Official Assignee.

47. The Official Assignee may at any time apply to the Court for directions respecting his rights or duties with regard to the bankrupt's estate or with regard to any matters arising out of the management or conduct of the estate; and in any case of his obtaining bonâ fide the direction of the Court or acting bonâ fide on such direction he shall be deemed so far as regards his own responsibility to have discharged his duty therein as Official Assignee with regard to the matter in respect of which such direction is given. Official Assignee may apply to the Court for directions.

**Official Assignee
to keep proper
books.**

48. (1.) The Official Assignee shall keep proper books in which he shall from time to time make or cause to be made entries or minutes of such matters in relation to the bankrupt's estate as may be necessary or prescribed.

(2.) Any creditor of the bankrupt may at any time during office hours personally or by his agent inspect such books.

**Official Assignee
to pay into Bank
money collected.**

49. The Official Assignee shall pay all sums from time to time received by him in the course of the administration of the bankrupt's estate into the Colonial Bank to the credit of an account entitled "The Official Assignee" and may draw out money so deposited in the same manner as any other depositor for the purpose of administering such estate.

**Periodical state-
ments of Official
Assignee.**

50. The Official Assignee shall from time to time file in Court a statement showing the amounts received and disbursed by him.

Control of the Court over administration.

**Responsibility of
Official Assignee to
the Court.**

51. The Court shall examine all statements filed by the Official Assignee and may order the Official Assignee to account for any misfeasance, neglect, or omission, and to make good any loss which the estate of the bankrupt may have sustained by such misfeasance, neglect, or omission.

**Court may exam-
ine him and his
books.**

52. The Court may at any time require the Official Assignee to answer any inquiry in relation to any matter in which he is engaged, and may examine him or any other person on oath concerning such matter, and may cause his books either generally or in relation to any particular estate to be examined by any person to be named by it.

**Mode of compell-
ing Official Assignee
time**

53. (1.) If the Official Assignee, at any

(a.) improperly refuses, neglects, or delays to do his duty. to assume the management of any estate under this Act ;

(b) improperly acts or omits to act in the management of any estate vested in or administered by him, or the duties of which he has entered upon ;

(c.) improperly refuses, neglects or delays to pay forthwith the amount of any judgment, decree, or order recovered against him, or if he pays the amount of any such judgment, decree, or order out of any funds not properly liable to such payment ;

(d.) improperly acts or omits to act in any other matter with respect to any estate vested in or administered by him, or with respect to any duty imposed upon him by this Act ;

(f.) gives reasonable ground to think that he is about improperly to act or to omit to act with respect to any of the matters as aforesaid ;

any person interested in such estate or matter may apply to the Court for an order requiring him to do or to refrain from doing the act in respect of which such person complains, and the Court may thereupon make such order as it thinks fit.

(2.) Such order may direct that the Official Assignee shall pay out of his own pocket any sum of money required to compensate any person or estate for the consequences of any wrongful act or omission of the Official Assignee.

54. The bankrupt or any of the creditors or any other person if aggrieved by any act or decision or estimate of the Official Assignee may apply to the Court in respect thereof, and the Court may confirm, reverse, Appeal to the Court against any act of the Official Assignee.

or vary the act complained of and may make such order in the matter as it thinks just, and may direct any question of fact or assessment of value or damage to be tried by a jury.

Court may authorise acts to be done in the name of the bankrupt.

55. Where the bankrupt refuses or neglects to do any act in reference to the recovery, sale or transfer of or otherwise dealing with any property remaining in him under this Act in trust for his creditors for forty eight hours after he has been required in writing by the Official Assignee to do the same, the Court may on the application of the Official Assignee, by order authorize such act to be done in the name of the bankrupt or otherwise by any person named in the order for that purpose; and every act done by such person shall be as effectual for all purposes as if the bankrupt had done the same and shall not be revocable or impeachable by the bankrupt.

Distribution of bankrupt's property.

General provisions as to property of bankrupt.

Description of property divisible and of that not divisible among creditors.

56. The property of the bankrupt divisible amongst his creditors and vesting in the Official Assignee and in this Act referred to as the property of the bankrupt,

(1.) Shall comprise,

(a.) all such property as may belong to or be vested in the bankrupt at the commencement of the bankruptcy, or may be acquired by or devolve on him at any time previously to his discharge;

(b.) the capacity to exercise and to take proceedings for exercising all such powers in, or over, or in respect of property as might have been exercised by the bankrupt for his own benefit at the commencement

of the bankruptcy or at any time previously to his discharge ;

(c.) all goods and chattels being at the commencement of the bankruptcy in the possession, order or disposition of the bankrupt by the permission of the true owner, of which goods and chattels the bankrupt is reputed owner, or of which he has taken upon himself the sale or disposition as owner ; provided that choses in action other than debts due or growing due to him shall be deemed goods and chattels within the meaning of this section ; but

(2.) shall not comprise,

(a.) property held by the bankrupt in trust for any other person than his creditors under this Act ;

(b.) the tools, if any, of his trade, and the wearing apparel and bedding of himself his wife and children to a value (inclusive of tools, apparel and bedding,) not exceeding twenty pounds in the whole.

Special provisions as to certain kinds of property of bankrupt.

57. Where a bankrupt is in the enjoyment of any salary, pension or allowance, which is liable to attachment, the Official Assignee shall receive for distribution amongst the creditors so much of the bankrupt's salary, pension or allowance, as the Court upon the application of the Official Assignee declares to be just and reasonable to be paid in such manner and at such times as the Court may direct.

Appropriation of portion of salary of debtor.

58. Any treasurer or other officer or any banker, attorney or agent of a bankrupt shall pay and deliver to the Official Assignee all moneys and securities in his possession.

Delivery to Official Assignee of moneys and securities of debtor.

sion or power as such officer or agent which he is not by law entitled to retain as against the bankrupt or the Official Assignee.

Transfer of stock,
shares &c.

59. Where any part of the property of a bankrupt consists of stock, shares in ships, shares, or any other property transferable in the books of any company, office or person, the right to transfer such property shall be absolutely vested in the Official Assignee to the same extent as the bankrupt might have exercised the same if a petition had not been filed against or by him.

Disclaimer by
Official Assignee of
onerous and un-
profitable property
of debtor.

60. (1.) Where any part of the property of the bankrupt consists of land of any tenure burdened with onerous covenants, of unmarketable shares in companies, of unprofitable contracts, or of any other property that is unsaleable or not readily saleable by reason of its binding the possessor thereof to the performance of any onerous act or to the payment of any sum of money, the Official Assignee may, notwithstanding that he has endeavoured to sell or has taken possession of such property or exercised any act of ownership in relation thereto, by writing under his hand disclaim such property; and upon the execution of such disclaimer the property disclaimed shall, if the same is a contract, be deemed to have determined at the date of the filing of the bankruptcy petition so far as regards the interest of the bankrupt therein and the liability of himself and property and of the Official Assignee thereunder, and, if the same is a lease, to have determined at the same

date so far as regards the interest of the bankrupt therein and the liability of himself and his property and of the Official Assignee to the performance of the covenants and the conditions thereof and if the same is shares in any company, to have been forfeited at the same date; and whatever be the nature of the property it shall, unless the Court otherwise orders, pass to the person, if any, entitled thereto on the determination of the estate or interest of the bankrupt therein, and in no case shall any estate, interest or liability therein or thereunder remain in the bankrupt.

(2.) Such disclaimer shall not prejudice the rights or remedies or affect the obligations of any person, other than the bankrupt and the Official Assignee, and the Court may on application made by any person claiming any interest in the disclaimed property and upon hearing such persons as it thinks fit, make an order for the vesting of the same property in or delivery thereof (together with any deeds or documents relating thereto) to any person or persons entitled thereto or to a trustee for him or them, and upon such terms as the Court may think just; and upon any such vesting order being made, the property comprised therein shall vest, according to the tenor thereof, in the person or persons therein named in that behalf without any conveyance or assignment for the purpose.

(3.) Any person injured by the operation of any such disclaimer as aforesaid shall be deemed to be a creditor of the bankrupt to the extent of such injury, and

may accordingly prove the same as a debt under the bankruptcy petition.

Limit to his right
to disclaim.

61. The Official Assignee shall not be entitled to disclaim any property in pursuance of this Act in any case where an application in writing has been made to him as Official Assignee by any person interested in such property requiring such Official Assignee to decide whether he will disclaim or not and the Official Assignee has for a period of not less than twenty eight days after the receipt of such application, or such further time as may be allowed by the Court, refused or neglected to give notice whether he disclaims the same or not.

Special provisions as to transactions affecting the bankrupt and his property.

Voluntary settle-
ment by debtor
when void against
Official Assignee.

62. (1.) Any settlement of property, not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if an order in bankruptcy takes effect against the settlor within one year after the date of such settlement, be void as against the Official Assignee.

(2.) Any covenant or contract made by any person in consideration of marriage for the future settlement upon his wife or children of any money or property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent, in possession or remainder, and not being money or property of or in right of his wife, shall, if an order takes effect against

him before such money or property has been actually transferred or paid pursuant to such covenant or contract, be void as against the Official Assignee.

(3.) "Settlement" shall for the purposes of this section include any conveyance, gift or transfer of property.

63. Every conveyance or transfer of property or charge thereon, every payment, every judgment or other obligation and every judicial proceeding made, incurred, taken, confessed or suffered by any person unable to pay his debts as they become due from his own moneys in favour of any creditor or any person in trust for any creditor with a view of giving such creditor a preference over the other creditors shall if an order for bankruptcy takes effect against the person making, taking, paying or suffering the same within three months after the date of making, taking, paying or suffering the same be deemed fraudulent and void as against the Official Assignee. Fraudulent preferences,

64. Every conveyance or transfer of property made by any person unable to pay his debts to any other person in trust for any creditor shall be absolutely void unless the same was made and executed with the assent of three fourths in number and value of the creditors of such person. Conveyances to a trustee for a creditor or when void

65. (1) When any question arises during any bankruptcy as to the validity of any deed or judgment under the preceding provisions the court shall decide such question without any proceedings in the court of chancery being necessary and the decision of the court shall have the same force and effect as a decision of the court of chancery in the same matter. Deed may be declared void without proceedings in chancery.

(2.) When any deed or judgment is declared void under the provisions of this Act the Court shall direct the registrar of deeds or the prothonotary (as the case may be) to enter a note of such decree or order on the margin of any deed or on the judgment (as the case may be) to which it relates that may be recorded or entered up (as the case may be) in the registrar's office or the prothonotary's office.

Provost Marshal
to sell goods taken
in execution before
bankruptcy.

66. Where the goods of any person have been taken in execution in respect of a judgment before an adjudication of insolvency, the Provost Marshal or other officer executing the process shall, sell the same and if he has notice of a bankruptcy petition presented by or against such person, hold the balance of the proceeds of the sale, after deducting expenses, and fees of office upon trust to pay the same to the Official Assignee or other person entitled thereto under the petition.

Debts provable against the bankrupt's estate.

**Rights of land-
lord.**

67.—(1.) The landlord or other person to whom any rent is due from the bankrupt may at any time, either before or after the commencement of the bankruptcy, distrain upon the goods or effects of the bankrupt for the rent due to him from the bankrupt.

(2.) If such distress for rent is levied after the commencement of the bankruptcy, it shall be available only for one year's rent accrued due prior to the date of the bankruptcy order.

(3.) After notice received by or on behalf of the person making the distress of the making of the bankruptcy order, no sale shall be made of the goods distrained, un-

less the Court shall otherwise order, except by the Official Assignee, and the rent for which such distress is available, and the expenses thereof shall be paid out of the proceeds of the sale.

68. Subject to the provisions of this Act relating to the proceeds of the sale of goods which have been seized; and to the provisions of this Act, and every other law avoiding, on the ground of their being fraudulent, certain settlements, conveyances, transfers, charges, payments, obligations, and judicial proceedings, the following dealings and transactions relating to the property of the bankrupt, if they take place before the date of the filing of the petition, shall be valid notwithstanding any prior act of bankruptcy committed by the bankrupt; that is to say ;

Protection of certain *bona fide* transactions with bankrupt before filing petition.

(1) Every payment by the bankrupt to any of his creditors ;

(2.) Every payment or delivery to him ;

(3.) Every conveyance, sale, or assignment for valuable consideration by and with him ; and,

(4.) Every execution and attachment against his property executed and levied by seizure and sale ; provided that the person to, by, or with whom such payment, delivery conveyance, sale, assignment, contract, dealing, or transaction was made, executed, or entered into, or at whose suit or on whose account every such execution or attachment was issued had not, at the time of such payment; delivery, conveyance, assignment, sale, contract, dealing or transaction, or at the time of the levying or executing of such execution or attachment, or at the time of the making of any sale thereunder, notice of

any act of bankruptcy committed by the bankrupt and available for adjudication against him at the time of the filing of the petition.

After two years from the date of bankruptcy Official Assignee with consent of one half in value of creditors may sell bankrupt's book debts.

69. With the consent of any number of creditors who have proved against the bankrupt's estate claims amounting to more than one half of the total liabilities of such estate, the Official Assignee shall at the expiration of two years from the date of the making of the bankruptcy order with a view to winding up the bankrupt's estate advertise in the Gazette and in one or more of the local newspapers the book debts of the bankrupt remaining uncollected including in such book debts any sums on security, for sale at auction in one or more lots at the office of the Official Assignee for cash to the highest bidder, and shall sell and dispose of the same, and shall give to the purchaser or purchasers a certificate in the form in the schedule marked "A" to this Act annexed, which certificate shall vest such debts in the purchaser, his executors, administrators and assigns and shall entitle him or them to sue for, recover, and receive the debts assigned, and such certificates when produced in any Court shall be deemed sufficient proof of the sale by the Official Assignee to the purchaser of the debts therein referred to without any further or other proof that the provisions of this Act have been complied with.

Compromise with bankrupt after order in bankruptcy has been made.

70. Whenever an order for bankruptcy has been made, and creditors to the extent of three-fourths of the liabilities of the bankrupt's estate shall be of opinion that it would be to the advantage of the estate to enter into a composition or compromise, the

particulars of such compromise shall be presented to the Chief Justice, who shall, if he approve of the said scheme of composition or compromise, either in Chambers or in Court, as he may think fit, order the bankruptcy to be annulled, and upon such order annulling such bankruptcy being made, the property of every description shall without any conveyance or assignment whatever be revested in such bankrupt, and the Official Assignee shall immediately thereafter deliver up to such bankrupt any property of what kind soever belonging to the estate of such bankrupt which may have come into his possession, together with all books and documents belonging to such bankrupt, and notice shall be given in the Gazette of this Island signed by the Prothonotary and Clerk of the Court of Common Pleas (who is hereby required to insert the same) of such proceedings in bankruptcy having been annulled : provided always that upon such scheme of composition or compromise being effected, the Official Assignee shall be entitled to such compensation not exceeding two and a half per cent on the amount of the unrealized and uncollected assets of the estate, in addition to any commission which he may have already earned as the court may think fit to allow ; provided further that the Official Assignee may refuse to deliver up possession of such property until such compensation shall have been paid to him.

71. After the making of any order for bankruptcy the property of the bankrupt Official Assignee to sell all of bankrupts property not previously taken in execution by the Provost Marshal shall be sold by the Official Assignee before bankruptcy.

Bankrupt's real estate to be sold when and as creditors direct.

72. If the bankrupt shall be interested in or entitled to any real estate either in possession, reversion, remainder, or expectancy, or to an undivided estate or interest in any land or house, such real estate shall be sold only within such time as two thirds in value of the creditors of such bankrupt present, shall, from time to time in writing under their hands direct at any meeting or meetings to be called for that purpose, (notwithstanding the bankrupt's discharge may have been granted) by notice to be published for two weeks consecutively, once in each week previous thereto in the Official Gazette and one of the newspapers of this Island, and such sale shall be made by public auction or by private contract, and either together or in lots, in such manner, at such time and place, and upon such terms and conditions as the said creditors shall have determined at such meeting or meetings : and in case of a joint tenancy, the bankruptcy of such joint tenant shall operate as a severance of such joint tenancy, and the Official Assignee and those claiming under him shall hold the bankrupt's estate or interest in any such land or house as a tenant in common; provided always that it shall be lawful for such creditors to be represented and to vote by agent duly appointed by them at any such meeting or meetings :

Debts provable against the debtor's estate.

73.—(1) Demands in the nature of unliquidated damages, arising otherwise than by reason of a contract or promise, shall not be provable under a bankruptcy petition, and no person having notice of any act of bankruptcy available for adjudication against the bankrupt shall prove for any debt or liability contracted by the bankrupt subse-

quently to the date of his so having notice, unless the Court is of opinion that the property of the bankrupt has been benefited or increased, or that his debts or liabilities have been diminished, by the payment of the money or execution of the contract upon which the debt or liability sought to be proved has arisen.

(2.) Save as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the bankrupt is subject at the date of the order, or to which he may become subject by reason of any obligation incurred previously to the date of the order, shall be deemed to be debts provable under a bankruptcy petition in pursuance of this Act.

74. An estimate shall be made by the Official Assignee, according to the Rules of Court so far as the same may be applicable, and, where they are not applicable, at the discretion of the Official Assignee, of the value of any debt or liability provable which by reason of its being subject to any contingency or contingencies or for any other reason does not bear a certain value. Estimate of debts of uncertain value.

75. "Liability" shall, for the purposes of this Act, include any compensation for work or labour done, any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement, or undertaking, whether such breach does or does not occur, or is or is not likely to occur or capable of occurring, before the discharge of the bankrupt; and generally it shall include any express or implied engagement agreement or undertaking to pay or capable Definition of term "liability."

of resulting in the payment of money or money's worth, whether such payments be as respects amounts, fixed or unliquidated, and payable in one sum or by instalments or periodical payments ; or

as respects time, present or future, certain or dependent on any one contingency or on two or more contingencies ; or

as to mode of valuation, capable of being ascertained by fixed rules, or assessable only by a jury or as a matter of opinion.

Interest on debt.

76. Interest on any debt provable under this Act may be allowed under the same circumstances in which interest would have been allowable by a jury, if any action had been brought for such debt.

Proof of debt by secured creditor.

77. (1) A secured creditor may, on giving up his security, prove for his whole debt, or he may prove for any balance due to him after realizing or giving credit for the value of his security, in manner and at the time prescribed.

(2) A secured creditor not complying with the foregoing conditions shall be excluded from proof.

Proof in respect of distinct contracts in different capacities.

78. If the bankrupt, is at the date of the order, liable in respect of distinct contracts as member of two or more distinct firms, or as a sole contractor or as a joint contractor, the circumstance that such firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of such contracts against the properties respectively liable upon such contracts.

Mutual dealings and set off.

79. Where there have been mutual credits, mutual debts, or other mutual dealings be-

tween the bankrupt and any person having a debt provable under the bankruptcy petition, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of such account and no more, shall be proved or paid on either side respectively.

80. (1) A landlord or other person to whom rent is due from the bankrupt, and who has been prevented from recovering the full amount of such rent by the operation of section sixty seven may prove for so much of the rent as, by reason of that section he was prevented from recovering.

Proof by landlord for residue of debt not recoverable by distress &c.

(2) Where any rent or other payment falls due at stated periods, and the order is made at any time other than one of such periods, the person entitled to such rent or payment may recover a proportionate part thereof up to the date of such order as if such rent or payment grew due from day to day, and the Official Assignee shall pay the same accordingly and he shall also pay rent at the same rate for any time he may occupy the premises during the realization of the property therein.

Distribution of assets, and dividends.

81. In the calculation and distribution of a dividend, it shall be obligatory on the Official Assignee to make provision for debts provable under this Act appearing from the bankrupt's statements or otherwise to be due to persons resident in places so distant from the place where the Official

Calculation and distribution of dividend.

Assignee is acting that in the ordinary course of communication, they have not had sufficient time to tender their proofs, and also for debts provable under the bankruptcy petition which had been notified to him in manner prescribed, and are subject to claims not yet determined, and, on any such debt being established, the creditor shall be entitled to receive the dividend reserved thereon.

Rights of creditor who proves after dividend.

82. Creditors shall prove their debts by affidavit to be sworn before the Official Assignee, or by declaration made before any of the persons mentioned in "The Evidence Act, 1891," and creditors who have not proved their debts before the declaration of any dividend or dividends shall on the occasion of the next dividend being declared, be entitled to be paid any dividend or dividends they have failed to receive before any moneys are made applicable to the payment of any other dividend or dividends, but they shall not be entitled to disturb the distribution of any dividend declared before their debts were proved, by reason that they have not participated therein.

Notice and declaration of final dividend.

83. (1.) When all the property of the bankrupt from which any moneys available for division amongst the creditors can, in the opinion of the Official Assignee, be reasonably expected to arise, has been realized, the Official Assignee shall declare a final dividend.

(2.) Before doing so, he shall give notice to the persons whose claims to be creditors of the bankrupt have been notified to him and not established to his satisfaction, that if they do not establish such claims to the satisfaction of the Court within a time to

be limited for that purpose by the notice, he will proceed to make final division of the property without regard to such claims.

(3.) After the expiration of such time, or if the Court, upon application by any such claimant, grants further time to him for establishing his claim, then on the expiration of such further time the property of the bankrupt divisible amongst the creditors shall be divided amongst the creditors who have proved their debts without regard to the claims of any other persons.

Rules as to priority of payment.

84. (1.) The debts hereinafter mentioned shall be paid in priority to all other debts, and between themselves such debts shall rank equally and shall be paid in full, unless the property of the bankrupt is insufficient to meet them, in which case they shall abate in equal proportions between themselves, that is to say ;

Order of payment
of debts.

(a.) all debts due to the Crown ;

(b.) all public taxes imposed by law due from the bankrupt at the date of the bankruptcy order not exceeding in the whole one year's taxes ;

(c.) all wages or salary of any clerk or servant in respect of services rendered to the bankrupt during four months next preceding the date of the bankruptcy order including any proportional part of a month, not exceeding in the whole fifty pounds ;

(d.) all wages of any labourer, mechanic or workmen in respect of services rendered to the bankrupt during four months next preceding the date of the order for bankruptcy including any fractional part of a month ; and

(c.) all judgments obtained by default (or otherwise) in the several Courts of this Island, other than the Court of Common Pleas, judgments confessed in the Court of Common Pleas more than three months before the date of bankruptcy and also all mortgages executed more than three months before the date of bankruptcy and also all judgments obtained by default or the verdict of a jury in the Court of Common Pleas, and all decrees according to their respective priorities, save and except judgments obtained or confessed for the balance of purchase money of real estate sold, which judgments shall be paid first as against such real estate.

(2.) Save as aforesaid all debts provable under the petition shall be paid *pari passu* and ratably in proportion to the amounts proved.

Relative rights
of joint and separ-
ate creditors.

85. If an order for bankruptcy is made against one member of a partnership, a creditor to whom that partner is indebted jointly with the other partners of the firm or any of them shall not receive any dividend out of the separate property of the first mentioned partner until all the separate creditors have received the full amount of their respective debts.

Joint debtors.

Petition against
partners or joint
debtors.

86. Any creditor whose debt is sufficient to entitle him to present a petition against all the members of a partnership or against all of several joint debtors, may present such petition against any one or more of such persons without including the others.

Dismissal of pe-
tition against some

87. Where there are more respondents than one to a petition, the Court may dis-

miss the petition as to one or more of them respondents only.
without prejudice to the effect of the petition as against the other or others of them.

88. Where an order for bankruptcy has been made against all the members of a partnership, or against several joint debtors, the operation of such order shall, in the first instance be limited to the debt jointly due from such partners or debtors, but the Court may, on sufficient cause being shown by any joint or separate creditor within the prescribed time after the making of the order, direct the order to apply to the separate debts and properties of the partners or debtors or of some or one of them, and such order shall have effect accordingly; provided that nothing herein contained shall prejudice or affect any disposition made by a debtor in good faith and for valuable consideration, of or in reference to the separate property to which such order for bankruptcy is so directed to apply in the interval between the date of the order for bankruptcy and the date when such direction has been given.

89. Where an order for bankruptcy is made against any member of a firm or of a partnership, any creditor to whom that partner is indebted jointly with the other partners of the firm or any of them may prove his debt for the purpose of voting, and may vote at a meeting of creditors.

90. (1.) Where the bankrupt is a member of a partnership, the Official Assignee may when authorized by the Court, bring or prosecute any action or other proceeding in the name of himself and of the bankrupt's partner.

Power to extend order against partners to their separate estates

Proof by creditor of firm against one partner.

Official Assignee's right of action where bankrupt is member of a firm.

(2.) In such case, any release by such partner of the debt or demand to which the action or proceeding relates shall be void.

(3.) Before applying to the Court for authority to bring or prosecute such action or proceeding, the Official Assignee must give notice to the partner, who may show cause against it, and, upon application made by him, the Court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the action or proceeding, and shall if no benefit is claimed by him therefrom, be indemnified against costs in respect thereof as the Court may direct.

Bankrupt's joint contracts.

91. Where a bankrupt is a contractor in respect of any contract jointly with any other person or persons, such person or persons may be sued, and, if no action is pending at the suit of the Official Assignee in respect thereof, may sue in respect of such contract, without the joinder of the bankrupt.

Order where member of a firm is absent or a lunatic.

92. (1.) Where any order for bankruptcy has been made against any member or members of the firm, and any one or more persons being a member or members of the same firm, is or are out of this Island, or of unsound mind or is an infant, the Court shall have jurisdiction, after giving the prescribed notices, to make an order for the administration of the joint property of the members of the firm, on its being proved to the satisfaction of the Court that the firm are unable to pay their debts, but it shall not be lawful to adjudge any member of the firm absent from the Island a bankrupt under this section.

(2.) Upon such order being made, the property of the firm shall vest in the Official Assignee, and shall be administered in all respects as if a bankruptcy petition had been presented and an order made in the first instance against all the members of the firm.

Discovery of bankrupt's property.

93. (1.) At any time after a bankruptcy Court may summon bankrupt and other persons, and require production of documents.
order has been made, the Court may summon bankrupt and other persons, and require production of documents.
mon before it the bankrupt or his wife, other persons, and require production of documents.
or any person known or suspected to have of documents.
in his possession any of the property of
the bankrupt or supposed to be indebted
to the bankrupt or any person whom the
Court may deem capable of giving information respecting the bankrupt, or his property, trade, dealings or affairs, and the Court may require any such person to produce any books, documents, or other things in his custody or power relating to the bankrupt, his property, or trade dealings or affairs.

(2.) If any person so summoned, after having been tendered a reasonable sum for travelling expenses refuses or neglects to produce such books, documents, or other things having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant, cause such person to be apprehended, and brought before it for examination.

94. (1.) The Court may examine upon Examination of oath, either by word of mouth or by written witnesses.
interrogatories, any person so summoned or brought before it, or any person being present before the Court concerning the

bankrupt or his property, trade, dealings, or affairs.

(2.) If any such person in his examination admits that he is indebted to the bankrupt, the Court may, on the application of the Official Assignee or of its own motion order him to pay to the Official Assignee at such time and in such manner as to the Court may seem expedient, the amount admitted or any part thereof, either in full discharge of the whole amount in question or not as the Court thinks fit, with or without costs of the examination.

Power to seize bankrupt's property and to search for the same.

95. Any person acting under warrant of the Court may seize any property of the bankrupt divisible amongst his creditors under this Act, and in the bankrupt's custody or possession or in that of any other person, and may, if necessary for the purpose of such seizure, break open any house, building, or room of the bankrupt where the bankrupt is supposed to be, or any building or receptacle of the bankrupt where any of his property is supposed to be; and where the Court is satisfied that there is reason to believe that the property of the bankrupt is concealed in a house or place not belonging to him, the Court may, if it thinks fit, grant a search warrant to any constable or officer of the Court who may execute the same according to the tenor thereof.

Arrest of bankrupt.

Bankrupt may be arrested in certain cases.

96. At any time after the presentation of a petition,

(a.) if it appears to the Court that there is probable reason for believing that the

debtor or bankrupt will not attend any sitting of the court to which he is summoned or if he does not attend any such sitting or if there is probable reason for believing that he is about to leave this Island, or to quit his place of residence, with the view of avoiding examination in respect of his affairs or otherwise delaying or embarrassing the proceedings under the petition, or that he is about to remove his property with the view of preventing and delaying such property being placed under the control or possession of the Official Assignee, or that he has concealed or is about to conceal or make away with any of his property, or any books, documents or writings which might be of use to his creditors in the course of the proceedings; or

(b.) if the debtor or bankrupt knowing that a petition has been filed against him, removes any property in his possession above the value of five pounds without the leave of the Official Assignee, or without good cause shown, fails to attend any examination ordered by the Court, the Court may cause the debtor or bankrupt to be arrested, and imprisoned, and any books, papers, or property in his possession to be seized and safely kept in such manner and until such time as the Court may order.

97. The Postmaster or the officers acting under him shall deliver all letters which may from time to time be sent addressed to the debtor or bankrupt to the Official Assignee until the bankrupt's discharge. Letters addressed to bankrupt.

Provisions relating to evidence.

98. Copies, authenticated by the signature of the Official Assignee, Certified copies

of entries in Official Assignee's books, evidence.

ture of the Official Assignee, of any entries in the books kept by him with respect to any estate vested in or administered by him under this Act, shall be admissible in evidence in any legal proceeding or for any other purpose, and shall have the same effect in evidence in all respects as the originals from which such copies were made.

Judicial notice to be taken of his signature

99. In all legal proceedings, judicial notice shall be taken of the signature of the Official Assignee; but any Court, Judge or Magistrate may require such signature to be proved in the ordinary way if it is doubtful to such Court, Judge or Magistrate whether the alleged signature is genuine.

Deposition of deceased person admissible in evidence.

100. In case of the death of the debtor or bankrupt, or his wife, or of a witness whose evidence has been received by the Court in any proceeding under this Act, the deposition of the person so deceased, purporting to be sealed with the seal of the Court, or a copy thereof purporting to be sealed, shall be admitted in any legal proceedings as evidence of the matters therein deposed to.

Gazette containing notice of bankruptcy conclusive evidence.

101. The production of a copy of the Gazette containing a notice of bankruptcy order shall be conclusive evidence in all legal proceedings that the bankruptcy order was duly made, and also the date of such order.

Provisions relating to legal proceedings.

Service of documents on Official Assignee.

102. Any document in any legal or other proceeding taken by or against the Official Assignee, may be served by being left at his office, and such service shall have the same effect as if it had been made personally.

Irregularity &c. not to invalidate

103. Proceedings under this Act shall not be invalidated by any effect or irregu-

larity, unless the court is of opinion that proceedings. substantial injustice has been caused by such defect or irregularity, and that such injustice cannot be remedied by any order of the Court.

104. Any person to whom any chose in action belonging to the bankrupt is assigned in pursuance of this Act may bring or defend any action relating to such chose in action in his own name. Right of assignee of bankrupt's chose in action

105. (1) The Chief Judge may from time to time make, revoke and alter general rules for carrying into effect this Act. Chief Judge empowered to make rules &c.

(2) In any case where it is provided by this Act that any matter or thing is to be done as prescribed, and no Rule of Court has been made with respect to such matter or thing, it shall be lawful for the Court to give such directions, either general or special with respect to the doing of such matter or things as it may think fit.

Application of bankruptcy law to married women.

106. A married woman who has contracted any debts, otherwise than as the agent of her husband or some other person, shall be liable in respect of her separate estate to all the provisions of this Act, and shall be entitled in respect of her debts to the benefit of all the provisions thereof. How far Act affects married women.

Annulling or revoking of order in bankruptcy.

107. (1) The Court may at any time, for sufficient reason, annul an adjudication ; but in such case all sales and dispositions of property and payments duly made, and all acts theretofore done by the Official Assignee or any person acting under his authority, or by the Court, shall be valid, but the pro- Power to the Court to annul adjudication of bankruptcy.

perty of the bankrupt remaining undisposed of by the Official Assignee shall in such case vest in such person as the Court may appoint or in default of any such appointment without any conveyance or assignment whatever revert to and re-vest in the bankrupt, upon such terms and subject to such conditions, if any, as the Court may declare by order.

(2). A copy of the order of annulment, shall be forthwith published by the Registrar, in the Gazette and in one of the newspapers of the Island, and the production of a copy of the Gazette containing such order of annulment shall be conclusive evidence of such annulment, and of the date and the terms of the order.

(3) The court shall by any such order direct that on the annulment the remedies of all creditors against the debtor shall revive.

Offences against the bankruptcy law.

Offences against
bankruptcy law
and their punish-
ment.

108. Every person against whom an order in bankruptcy has been made and has not been annulled shall, in each of the following cases, be guilty of a misdemeanor, and, being convicted thereof, shall be liable to imprisonment, with or without hard labour, for any term not exceeding one year, that is to say,

(a.) if he does not to the best of his knowledge and belief, fully discover to the Official Assignee all his property, and how, and to whom, and for what consideration, and when he disposed of any part of his property, except such part as has been disposed of in the ordinary way of his trade, if

any, or laid out in the ordinary expense of himself or his family ;

(b.) if he does not deliver up to the Official Assignee, or as he directs, all such part of his property as is in his custody or under his control and which he is required by law to deliver up, unless the jury is satisfied that he had no intent to defraud ;

(c.) if he does not deliver up to the Official Assignee, or as he directs, all books documents, papers, and writings in his custody or under his control, relating to his property or affairs, unless the jury is satisfied that he had no intent to defraud ;

(d.) if, after the presentation of the petition against him or within six months before such presentation, he has concealed or removed any part of his property to the value of ten pounds or upwards, or concealed any debt due to or from him, unless the jury is satisfied that he had no intent to defraud ;

(e.) if he makes any material omission in any statement required under this Act relating to his affairs, unless the jury is satisfied that he had no intent to defraud ;

(f.) if, knowing or believing that a false debt has been proved by any person under the bankruptcy proceedings, he fails for the period of one month or more to inform the Official Assignee thereof, unless the jury is satisfied that he had no intent to defraud ;

(g.) if after the presentation of the petition, he prevented the production of any book, document, paper, or writing affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law ;

(h.) if, after or within six months before

the presentation of the petition he has concealed, destroyed, mutilated, or falsified, or has been privy to the concealment, destruction, mutilation, or falsification of any book or document, affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law;

(i.) if, either before or after the presentation of the petition, he made or was privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law;

(j.) if, after or within six months before the presentation of the petition, he has parted with, altered or made any omission in or has been privy to the parting with, altering or making any omission in, any document affecting or relating to his property or affairs, unless the jury is satisfied that he has had no intent to defraud; or

(k.) if, after or within six months before the presentation of the petition he has attempted to account for any part of his property by fictitious losses or expenses; or

(l.) if, within six months before the presentation of the petition he has, by any false representation or other fraud obtained any property on credit, and has not paid for the same; or

(m.) if, within six months before the presentation of the petition, he has obtained, under the false pretence of carrying on business and dealing in the ordinary way of his business, any property on credit and has not paid for the same unless the jury is satisfied that he had no intent to defraud; or

(n.) if, within six months before the presentation of the petition he has pawned, pledged, or disposed of, otherwise than in the ordinary way of his business, any property which he had obtained on credit and not paid for, unless the jury is satisfied that he had no intent to defraud; or

(o.) if he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or his bankruptcy or liquidation; or

(p.) if, after or within six months before the presentation of the petition, he has quit-
ted this Island and taken with him, or attempted or made preparation for quitting this Island and for taking with him, any part of his property to the amount of twenty pounds or upwards, which would by law be divisible amongst his creditors under the bankruptcy, unless the jury is satisfied that he had no intent to defraud; or

(q.) if, in incurring any debt or liability he has obtained credit under false pretences or by means of any other fraud; or

(r.) if he has, with intent to defraud his creditors, or any of them made or caused to be made any gift, delivery, or transfer of or any charge on, his property; or

(s.) if he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him.

109. The several Acts mentioned in schedule B hereto shall be and the same are hereby repealed; provided that

Repeal and sav-
ings

(1.) any rule or order now in force

whether made under any enactment hereby repealed or not, shall continue in force until therein provided ; and

(2.) any officer appointed under any enactment hereby repealed shall continue and be deemed to have been duly appointed under the Act ; and

(3.) any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act, or to the corresponding enactment in this Act.

(4.) This repeal shall not affect,

(a.) The past operation of any enactment hereby repealed, nor any thing duly done or suffered under any enactments hereby repealed ; nor

(b.) any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed ; nor

(c.) any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment hereby repealed ; nor

(d.) any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid ; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed.

Suspending sec.
tion.

110. This Act shall not come into operation unless and until the Officer Administering the Government notifies by proclamation that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the Officer Administering the Government shall notify by the same or any other proclamation.

SCHEDULE A.

By order of the creditors of the estate of E. F. , a bankrupt, I, A. B. Official Assignee of this Island, do hereby assign to C. D. all and every sum and sums of money remaining uncollected in the books of the said E. F. amounting together to the sum of £ and all securities (if any) for the same, in consideration of £ this day paid me by him.

Signed, A. B.
Official Assignee.

SCHEDULE B.

List of Acts repealed.

Date of Act	Title of Act.	Extent of Repeal
20th Oct. 1846	An Act for the more effectual settlement of the debts of insolvent traders, by realising and making distribution of their assets, and for relieving such insolvents upon certain conditions from all future liabilities on account of such debts.	The whole Act

1891—C. 94.

SCHEDULE B. *continued.*

List of Acts repealed.

Date of Act	Title of Act	Extent of Repeal.
3rd June 1884.	An Act to amend the Act of this Island dated the twentieth day of October one thousand eight hundred and forty six, entitled, An Act for the more effectual settlement of the debts of insolvent traders by realising and making distribution of their assets and for relieving such insolvents upon certain conditions from all future liabilities on account of such debts,	The whole Act
27th June 1885.	An Act to amend „The Insolvent Traders Act 1846.”	The whole Act

1891—C. 95.

CAP. XCV.

(Assented to 26th January 1892.)

BARBADOS,

*An Act to revive and continue in operation
"The Liquor Licenses Act, 1890,"*

BE it enacted by the Governor, Council, and Assembly of this Island and by the authority of the same, as follows:—

1. "The Liquor Licenses Act, 1890" is hereby revived and shall have the same force and effect in all respects both retrospectively and prospectively as if it had been mentioned in the schedule to "The Expiring Laws Continuance Act, 1891" and had been thereby continued in operation until and inclusive of the thirty first day of December one thousand eight hundred and ninety two.

"Liquor Licenses Act 1890" revived and continued until 31st December 1892.

CAP. XCVI.

(Assented to 26th January, 1892.)

BARBADOS.

An Act to amend An Act entitled An Act to provide for the establishment of Building Societies in this Island.

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows;

1. Section five of "The Building Societies Act, 1889," (hereinafter called the principal Act) is hereby amended by inserting after the word "them" in line eight, the following words: "or upon security of

Amends section 5 of The Building Societies Act 1889.

the withdrawal value of the shares held by members in the said Society."

Act to be omitted from new edition of the laws.

2. In printing the new edition of the laws, the Commissioners are hereby required to print the principal Act as amended by this Act, and to omit this Act from the new edition of the laws.

CAP. XCVII.

(Assented to 26th January 1892.)

BARBADOS.

An Act to incorporate into one Act certain pensions granted by resolutions of the Legislature during the Session 1891-'92.

WHEREAS it is deemed expedient to incorporate into one Act certain pensions granted by resolutions of the Legislature during the present Session; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:

Grant of the several pensions specified in the Schedule to the several persons therein mentioned for their respective lives.

1. From and after the passing of this Act, the Treasurer of the Island shall, and he is hereby authorised to pay annually, in equal monthly payments from the public treasury on the warrant of the Governor-in-Executive Committee to the several persons mentioned in column one of the schedule to this Act annexed, during the term of their respective natural lives, the sums mentioned and set out in column three of the said schedule against the respective names of those persons.

Indemnity to the Colonial Treasurer.

2. The Colonial Treasurer is hereby indemnified for any payments made by him in respect of any of the said pensions since

the twenty eighth day of July one thousand eight hundred and ninety one.

3. In preparing and printing the new edition of the laws of Barbados, the Commissioners are hereby required to add the Schedule annexed to this Act to the first Schedule of "The Annuitants Act 1891," and when such addition shall have been made, the Commissioners shall omit this Act from the new edition of the laws.

Act how to be dealt with in new edition of laws.

4. Immediately on the coming into operation of this Act the several resolutions of the Legislature granting the said pensions shall become inoperative, and cease to have effect.

Effect of resolution to cease.

5. This Act shall not come into operation unless and until the officer administering the Government notifies by proclamation that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the officer administering the Government shall notify by the same or any other proclamation.

Suspending section.

SCHEDULE.

Column one	Column two	Column three
Keizar H. A.	Late member of Fire Brigade.....	£ 8 15 0
Bailey Ed-ward	Late member of Fire Brigade.....	13 7 6
Archer George	Late Warder at Glendairy	12 0
Moore J. E.	Late Teacher at the Belmont school...	10 0 0



